

0873RHE1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

4 MARGARET RHEE-KARN,

5 Plaintiff,

6 v.

15 CV 09946

7 SUSAN CHANA LASK, ESQ., A/K/A  
8 SUSAN LUSK, A/K/A SUSAN LESK,,

9 Defendant.

10 Trial

11 -----x  
12 New York, N.Y.  
13 August 7, 2024  
14 9:30 a.m.

15 Before:

16 HON. ROBERT W. LEHRBURGER,

17 U.S. Magistrate Judge  
18 -and a Jury-

19 APPEARANCES

20 LAW OFFICE OF DOUGLAS R. DOLLINGER, ESQ., P.C.  
21 Attorney for Plaintiff  
22 BY: DOUGLAS R. DOLLINGER

23 WOODS LONERGAN, PLLC  
24 Attorney for Plaintiff  
25 BY: LAWRENCE R. LONERGAN

KEAHON, FLEISCHER & FERRANTE  
Attorney for Defendant  
BY: JOSEPH FERRANTE

Also Present: Susan Chana Lask, Esq., Pro Se

0873RHE1

1 (In open court; jury not present)

2 THE COURT: All right. Good morning, all. Let me  
3 ask, is there anything we need to discuss, Mr. Dollinger?

4 MR. DOLLINGER: Not that I am aware of, your Honor.

5 THE COURT: Mr. Ferrante, Ms. Lask, anything from you?

6 MS. LASK: No, we're just going to continue cross a  
7 little bit.

8 THE COURT: Can we call in the jury?

9 (Jury present)

10 THE COURT: Good morning, all. I hope you all had a  
11 good evening. I'm glad you're here on time and very much  
12 appreciate that.

13 I understand there is a little difficulty with one of  
14 the monitors, so we're playing musical chairs a bit. It all  
15 looks good.

16 We are going to continue today with the  
17 cross-examination of the plaintiff. So, can you, Ms. Karn, can  
18 you retake the stand, please. You understand you're still  
19 under oath, yes?

20 THE WITNESS: Yes, your Honor.

21 THE COURT: All right. Ms. Lask, you may proceed.

22 MR. DOLLINGER: Your Honor, your Honor, is Ms. Lask  
23 going to proceed with the witness continued?

24 THE COURT: That's what it sounds like.

25 MR. DOLLINGER: Note the objection.

0873RHE1

Rhee-Karn - Cross

1 THE COURT: What's the basis?

2 MR. DOLLINGER: Your Honor, protocol in this district,  
3 in any district --4 MS. LASK: I was doing something. I didn't hear one  
5 word.6 THE COURT: Mr. Dollinger is objecting to you doing  
7 the examination rather than Mr. Ferrante.

8 MS. LASK: I'm co-counsel, your Honor.

9 THE COURT: Mr. Dollinger, state your objection.

10 MR. DOLLINGER: Your Honor, I'm doing this 30-some-odd  
11 years and I'm pretty sure that it should be consistent. But,  
12 if the Court wants to allow it, as long as I can do it, I don't  
13 have a problem.14 THE COURT: I am going to overrule the objection.  
15 I'll allow it. But we're not going to have anymore switching  
16 of defense counsel on this witness.

17 MS. LASK: Yes. May I proceed, your Honor?

18 THE COURT: Yes, you may.

19 MARGARET RHEE-KARN,

20 having been previously sworn, testified as follows:

21 CROSS-EXAMINATION (Continued)

22 BY MS. LASK:

23 Q. Good morning, Ms. Karn.

24 A. Good morning.

25 Q. Yesterday was a long day for all of us, I apologize. But,

0873RHE1

Rhee-Karn - Cross

1 it is a case that's important and I'd just like to continue  
2 your cross because you said quite a few things that I'd like to  
3 explore with you a little more.

4 So, it's just your testimony and what you said and I'm  
5 going to ask you questions, and one of the first things you  
6 said, well, it wasn't the exact first thing, but it was  
7 something in your testimony, you were asked how many attorneys  
8 you had in the state custody case. There was a state court  
9 custody case you said you retained me for and we asked how many  
10 attorneys you had before and you said one, David Scott,  
11 correct?

12 A. Correct.

13 Q. Okay, Ms. Karn. Let me show you something and maybe we  
14 could get the correct amount of attorneys if you may. I am  
15 going to show you what was filed in this court September 14,  
16 2017, and you're familiar with it I suppose?

17 A. John Factor are you talking about?

18 Q. May I finish my question?

19 A. Sure.

20 Q. The Referee Burnett was your state custody court judge or  
21 referee we'll say, correct? She was handling the case?

22 A. Correct.

23 Q. And she ultimately issued an opinion May 14 of 2014,  
24 correct?

25 A. No, that was Douglas Hoffman. It was a different judge.

0873RHE1

Rhee-Karn - Cross

1 Q. So I am going to --

2 A. Yeah.

3 Q. I'm going show you Referee Burnett's decision on May 14,  
4 2014 in your custody case. Not the entire thing, just what's  
5 relevant to what you said, okay?

6 So, I am just going to put on here just the cover page  
7 so we know what we're looking at do. You see that it says  
8 Margaret Rhee-Karn v. Kenneth Karn in the family court decision  
9 and order after trial.

10 Are we looking at the same thing, the first page?

11 A. Yes.

12 Q. Would you --

13 THE COURT: Ms. Lask, is this an exhibit that's been  
14 marked as an exhibit or is it new for cross-examination?

15 MS. LASK: It's new for cross, your Honor.

16 THE COURT: Let's mark it as Defendant's 11.

17 MR. LONERGAN: It's not been admitted to evidence,  
18 this document, is it?

19 THE COURT: I think she's laying the foundation right  
20 now.

21 MR. LONERGAN: Is there a certified copy of this  
22 document?

23 THE COURT: Are you objecting?

24 MR. LONERGAN: To admit that the document into  
25 evidence, Judge, they need a certified copy. They just can't

0873RHE1

Rhee-Karn - Cross

1 come in with an electronic copy of a document in a federal jury  
2 trial.

3 THE COURT: Ms. Lask?

4 MS. LASK: Your Honor, if you look up here and I  
5 stated before I even put it on, it has the PACER headers. This  
6 is something -- let me use my pen. Right here. The PACER  
7 headers. It is a filed document in this case, your Honor.

8 MR. LONERGAN: I can go and write this document myself  
9 in 10 minutes. I need a certified copy.

10 MS. LASK: I object to that.

11 THE COURT: The objection is overruled.

12 It can be used for cross-examination. I'm just having  
13 them identified for cross-examination purposes. I'm not  
14 admitting them as official exhibits.

15 MS. LASK: Thank you.

16 Q. So that's the first page of Referee Burnett who ultimately  
17 gave the decision on May 14, 2014. And to help you out, hold  
18 on, I will show you just the last page of that same document  
19 filed with the same PACER headers, page 12 of 12, and it is  
20 entered -- I apologize October 15, I was a day off, 2014, by  
Referee Burnett not Judge Hoffman, correct?

22 A. Okay. I can't see the full --

23 Q. There you go. So it was signed by Referee Burnett.

24 A. I know that Douglas Hoffman --

25 Q. The question is yes or no.

0873RHE1

Rhee-Karn - Cross

1 A. This is what you have but I question the document.

2 Q. I'm sorry, what?

3 A. From my recollection, Douglas Hoffman was the  
4 administrative judge, because Burnett, after we filed the  
5 federal and everyone hated us, she stepped down.

6 MS. LASK: Your Honor, it is a yes or no question.

7 THE COURT: One at a time.

8 THE WITNESS: I'm just saying --

9 THE COURT: Both of you, please, one at a time. You  
10 can't interrupt each other. It makes it impossible for the  
11 court reporter. It makes it difficult for us all.

12 MS. LASK: Yes.

13 THE COURT: Ms. Lask, let the witness finish her  
14 answer. And she's either going to be familiar with this  
15 document or she's not.

16 MS. LASK: I understand.

17 THE COURT: Proceed.

18 A. I know that Douglas Hoffman was the judge that gave the  
19 decision. Perhaps Marva since she started the case has  
20 basically her signature. That's my answer.

21 Q. Well, we're looking exactly at the document, Ms. Karn, and  
22 it says Marva Burnett the referee signed it. Yes or no?

23 A. Yes, it does.

24 Q. So that is signed by the referee. That was the final order  
25 in your case. And as part of that order I am going to go back

0873RHE1

Rhee-Karn - Cross

1 to page 2 of it, I showed you the cover page, page 2 with the  
2 same PACER headings on it. PACER is the electronic filing in  
3 the court. This federal court. And yesterday you said that  
4 you had one attorney. It was David Scott before me, correct?

5 A. Correct.

6 Q. So second page, let's get some correct information here, of  
7 that order, it says page 2 of 12. Remember I put up 12 pages.  
8 I'm sorry. Take off that. And there it says that. You see  
9 the PACER heading, if we look real quickly at the second  
10 paragraph, it actually says the mother's first attorney was  
11 Jonathan Factor. That's attorney number 1. Correct?

12 A. It was not my family court attorney. He was an attorney  
13 that reviewed my prenuptial. He was part of the prenuptial  
14 prior to my wedding, and he reviewed it with me after as I  
15 proceeded with divorce. I did not retain him as a family court  
16 attorney.

17 MS. LASK: May I get an instruction for yes or no or  
18 can we --

19 THE COURT: Not in this case. She answered your  
20 question and she clarified who the attorney was.

21 Q. So are you saying the judge is wrong, that she's saying  
22 Jonathan Factor was your attorney and he was discharged?

23 A. Yes, she was wrong.

24 MR. LONERGAN: That's just combative.

25 THE COURT: Sustained.

0873RHE1

Rhee-Karn - Cross

1 Q. And then the court order by the judge says David Scott was  
2 substituted in. Is that correct?

3 A. Correct.

4 Q. He was substituted in and Mr. Factor left in 2010 and then  
5 Mr. I don't know the name, Bedka also appeared for you in that  
6 family court?

7 A. Excuse me. I have to just correct myself. He wasn't  
8 substituted in. He was my first family law attorney that I  
9 retained. Mr. Bedka is his co-counsel, they have a practice  
10 together.

11 Q. Before you hired me, you retained me, you said in the end  
12 of May of 2012, June 2012, I don't remember the exact date you  
13 said yesterday. But it looks like this case was going on from  
14 2010 to -- if we look at that paragraph when you hired and  
15 fired these attorneys and they were replaced by Susan Lask on  
16 June 1st, 2012, that's 2 years later; am I correct?

17 A. I hired you in June 2012, yes.

18 Q. Two years later after your case was going on?

19 A. Right. It was going on forever, right.

20 Q. Hmm-hmm. Let me remove this. And in this same document,  
21 yesterday, you said that there was no contempt issues in the  
22 underlying -- in the family court custody case by you. Is that  
23 correct? You said it yesterday?

24 A. Excuse me? Trying to understand. What do you mean?

25 Q. Yesterday you testified when we asked if there were

0873RHE1

Rhee-Karn - Cross

1 contempt issues during the family court case, you said no.

2 Correct?

3 A. Specifically what contempt are you talking about?

4 Q. Do you know what contempt of court is?

5 A. There was a lot of drama, as I mentioned before, on both  
6 sides. And a lot -- in fact actually you precipitated a lot of  
7 the drama.

8 MS. LASK: Strike this.

9 THE COURT: Overruled.

10 Q. How could I precipitate drama between you --

11 MR. DOLLINGER: Objection, your Honor.

12 THE COURT: Sustained.

13 MS. LASK: Withdrawn.

14 Q. Ms. Karn, do you know and what the question was and you did  
15 not answer, what is contempt of court?

16 MR. LONERGAN: Objection. She's not an attorney.

17 THE COURT: Sustained. She's not a lawyer. You are  
18 not here to ask her about that.

19 Q. You were in the case and you knew your case better than  
20 anyone, didn't you?

21 A. Yes, I was. It was over 10 years ago.

22 Q. And --

23 A. And there was a lot of different orders to show causes, you  
24 know, motions made, lies made, both sides. It was drama  
25 between the attorneys. And yes, there were contempt and I

0873RHE1

Rhee-Karn - Cross

1 don't know specifically what you're talking about.

2 My daughter was taken from me, couldn't have her  
3 overnights for reasons that I never even had a trial for.  
4 That's why I hired you. So yes, there was a lot of drama. It  
5 was a nightmare.

6 Q. And I was fighting for you during that drama, wasn't I?

7 A. Right. And you made it worse actually.

8 THE COURT: Both of you. We are not here for  
9 discussion of the merits. That has been ruled on. We are here  
10 to determine what was done during the window of period of time  
11 we talked about yesterday.

12 MS. LASK: May I approach?

13 THE COURT: No. You may ask a question.

14 Q. The same document, so you testified that there wasn't  
15 contempt but in the same document --

16 MR. LONERGAN: Objection.

17 THE COURT: Let her finish her question.

18 Q. The order says and here is the header again, page 10 of 12,  
19 during the pendency, as far as not following orders, the  
20 mother --

21 THE COURT: I see why there was an objection even  
22 before reading it.

23 Ms. Lask, this is not relevant to the issue at hand.  
24 If there was contempt, there was contempt. And if you dealt  
25 with contempt, you can testify about that on direct. The

0873RHE1

Rhee-Karn - Cross

1 witness has testified to what she knows about the question you  
2 asked.

3 Further, a document like this, while the Court may  
4 take judicial notice of it, because it's a judicial document,  
5 does not mean it can be taken for the truth of what's in there.

6 MS. LASK: Your Honor, and this is a court order from  
7 the referee in the case and --

8 THE COURT: I understand that. That's what it is.

9 MS. LASK: She testified yesterday to certain things  
10 that this court order says the exact opposite, and there one  
11 more question I'd like to ask.

12 THE COURT: Okay.

13 Q. Yesterday, considering this court order, yesterday you said  
14 the custody that was taken away from you, it was your daughter,  
15 is that correct? You had a daughter?

16 A. Right.

17 Q. And you said it was temporarily taken away. It was just  
18 temporary?

19 A. Right.

20 Q. When was that custody ever given back to you?

21 A. Well, in the end I lost custody.

22 Q. Well, if it was -- I just want to be clear what temporary  
23 and permanent means?

24 A. Temporary.

25 MR. LONERGAN: This is horrible, Judge. This is not

0873RHE1

Rhee-Karn - Cross

1 relevant.

2 THE COURT: Is there an objection?

3 MR. LONERGAN: Absolutely.

4 THE COURT: Sustained.

5 Ms. Lask, proceed to something relevant, please.

6 MS. LASK: Counsel is laughing at the table but  
7 besides that, she had said yesterday it was temporary. I want  
8 to know the difference. She testified to it. We didn't even  
9 ask. She said it. She opened the door.

10 THE COURT: There is nothing that's opened the door.

11 This is not relevant. It's totally tangential to what the  
12 issue is for trial.13 MS. LASK: Credibility, your Honor, when someone says  
14 one thing.15 THE COURT: I totally understand the issue of  
16 credibility. You are asking questions about the law and about  
17 decisions. She said what she knows or doesn't know. You're  
18 treating the document as truth. Please move on.

19 MS. LASK: Would the Court note my objection, please.

20 THE COURT: Duly noted.

21 Q. Yesterday you testified that when you hired me, I was  
22 researching about different things and you said civil rights  
23 almost from the out the gate.

24 A. Excuse me?

25 Q. Almost out the gate, almost from the start when you hired

0873RHE1

Rhee-Karn - Cross

1 me, I was researching civil rights, is that correct?

2 A. I hired you for my family court child custody case.

3 Q. Well, when there's a family court child custody case, isn't  
4 there research and things that have to be done?

5 MR. LONERGAN: Your Honor, objection. Relevance.

6 THE COURT: Sustained.

7 Q. You testified yesterday that there was a lot of research,  
8 is that correct?

9 A. Well, I retained you and I was in a situation where I had a  
10 temporary order. My daughter was removed from me without a  
11 trial, and you were doing research on how am I going to get my  
12 daughter back. One of the things you researched is that my  
13 constitutional rights have been violated by the family court.  
14 I never got to -- the other side, just my ex's attorney in  
15 their affidavit and in court just said I was abusive. No  
16 trial. And you know, that was unconstitutional that I did  
17 not -- there is no due process. That's what you were  
18 investigating. And that's where we went down the direction of  
19 the federal.

20 Q. Well, you went way beyond the scope of what I asked.

21 THE COURT: No, she didn't.

22 Q. In the state custody case, you're testifying that I was  
23 researching the civil rights and arguing that too as well,  
24 correct?

25 A. Yeah, because we communicated a lot. A wealth of e-mails

0873RHE1

Rhee-Karn - Cross

1 where you're telling me about my rights were violated, we need  
2 to go to the federal. We have these e-mails.

3 Q. I said we need to go to the federal and I was giving you  
4 advice we need to go to federal?

5 A. Yes, and also that the family court does not hear  
6 constitutional issues, you're not going to get your daughter  
7 back in the family court. Also, as you were working on my  
8 family court case, you alienated me. This is in hindsight. I  
9 realized you had caused so much tension between everyone.

10 MS. LASK: I am going to move to strike all of this.

11 MR. DOLLINGER: She opened the door.

12 THE COURT: She sure did. So let's move on to  
13 something that's actually pertinent.

14 Q. So, well, she testified that I was doing research and she  
15 testified that I told her where it can be done and where it  
16 can't, so let me refresh your memory here.

17 I am going to show you, which is part of the case,  
18 again you'll see the headers this case up top. And this is a  
19 September 1st, 2012 e-mail from me to you. And is that  
20 correct? You see September 1st and you see from Susan Lask to  
21 Maggie?

22 A. Yes.

23 Q. And it says I'm researching?

24 THE COURT: What document are we looking at? Is it an  
25 exhibit that's been admitted or not?

0873RHE1

Rhee-Karn - Cross

1 MS. LASK: It's part of the court record. It wasn't  
2 admitted. It has an A423 on it.

3 THE COURT: It's document number 12 for  
4 cross-examination. Go ahead.

5 Q. In there, just read it to yourself real quick. And  
6 basically, I am going to say in sum and substance, I'm  
7 basically giving you the summary of my research or what I'm  
8 advising you, and I'm saying Sarah should have had some  
9 independent counsel. And then I say possibly we file motions  
10 to stay the proceedings in family court on a constitutional  
11 issue. Is that correct? It says that?

12 A. That's what it says.

13 Q. On a constitutional issue in the family court. And then it  
14 says the entire proceedings are tainted and I say I doubt the  
15 judge will sign. That means the judge in your family court,  
16 correct?

17 A. Correct.

18 Q. Or I'm telling you we do both, meaning the stay, and the  
19 constitutional issue and go to federal court. And get a stay.  
20 And does it specifically say which fed courts, federal courts  
21 can't stand family court matters but may be interested in.

22 So is that a definite I'm telling you?

23 THE COURT: Sustained. We're not relitigating the  
24 merits. We are litigating what was done for the federal  
25 action, the first time, and what was done that was used from

0873RHE1

Rhee-Karn - Cross

1 the first one for the second one.

2 MS. LASK: The Court --

3 THE COURT: The merits has been decided. We are not  
4 relitigating it.

5 MS. LASK: Your Honor, respectfully note my objection.  
6 She opened the door. She testified to this and I'm trying to  
7 get the correct facts.

8 THE COURT: You opened the door by asking the  
9 questions about the substance. Overruled.

10 MS. LASK: Yesterday she had testified to that.

11 Q. Couple more things. You said, you testified yesterday that  
12 you went to the federal court and filed the first federal.  
13 Correct?

14 A. I physically went to the family court to file this.

15 Something that you directed me to.

16 Q. The federal court?

17 A. The federal court to physically file.

18 Q. File the --

19 A. Since I live in New York City, yes.

20 Q. Right. That's right. I remember you said because at the  
21 time --

22 A. Because you directed me. I have the e-mails to prove it.

23 MS. LASK: Your Honor.

24 A. I mean, I'm not an attorney.

25 MS. LASK: I am going to move to strike all of this,

0873RHE1

Rhee-Karn - Cross

1 but I know your Honor is going to say differently, but in any  
2 event, that's my note on the record.

3 THE COURT: Overruled just so it's official.

4 MS. LASK: Thank you.

5 Q. So, because I lived in New Jersey, I was unable to file  
6 that federal complaint, correct? That's what you said?

7 A. You asked me, as you've asked me favors to file other  
8 documents from other cases that I did as a favor because I live  
9 in New York City. Yes, you did ask me.

10 Q. Your testimony --

11 A. And you asked me to sign your name.

12 Q. I am an attorney and I have -- you know what PACER, the  
13 PACER system is, the electronic PACER system, correct? Because  
14 you filed an appeal later and used -- and asked me to file your  
15 appeal on PACER, correct? Do you remember that?

16 A. Correct.

17 Q. So why didn't I just sit --

18 THE COURT: All right.

19 MR. DOLLINGER: Objection.

20 A. I don't know why you asked me to do that.

21 THE COURT: We are going to go back to the robing  
22 room.

23 (Continued on next page)

0873RHE1

Rhee-Karn - Cross

1 (In the robing room)

2 THE COURT: All right. The reason I called us in here  
3 is because, Ms. Lask, you are going way outside the boundaries  
4 of what this trial is about. If you want to ask about what she  
5 knows about the time that was put in for the time period in  
6 question, and what was used, if any, for the second, that's  
7 fine. But we are not relitigating any of the merits.8 I am going to hold you in contempt if you cannot keep  
9 yourself on track.10 MS. LASK: Your Honor, I'd like to make my record as  
11 well. She opened the door. This is a credibility -- she  
12 testified before that court. We didn't even ask her she just  
13 blew it out there and said you made me file it. You lived in  
14 New Jersey. She said it. The jury heard it. What are they  
15 going to think. This is a truth finding process. If she said  
16 something that's not true, I am allowed on cross.

17 THE COURT: Who physically filed that complaint?

18 MS. LASK: She did.

19 THE COURT: As she testified. There is nothing to  
20 impeach on that.21 MS. LASK: She testified because you lived in New  
22 Jersey. Impossible. We have PACER. All I had to do if I  
23 wanted that filed is hit a button.24 THE COURT: What does that have to do with the issues  
25 in the case?

0873RHE1

Rhee-Karn - Cross

1 MS. LASK: She opened the door and said it. The jury  
2 heard it.

3 THE COURT: You opened the door by going way outside  
4 what the issues are. This is totally irrelevant to the issues.

5 MR. FERRANTE: If I may, the only thing I would add is  
6 it's just simply for credibility purposes.

7 THE COURT: This doesn't go to credibility though.  
8 She's not lying or making things up. She's saying what she  
9 remembers and it is her opinion about what why you did  
10 something. If you don't want that to come out, then stick to  
11 the issue.

12 MS. LASK: We didn't ask her though. She blurted out  
13 yesterday like she's blurting everything out because she's  
14 trying to make a different impression in front of the court.

15 THE COURT: You will do much better in containing that  
16 if you stay within the boundaries of what the issues are.

17 MS. LASK: But when they're hearing this whole other  
18 scenario that she's blurting out.

19 THE COURT: There is no other scenario. She filed it  
20 physically. That's totally irrelevant. And you drafted it.  
21 Fine. Maybe with her, I guess. And then there is a question  
22 of how much time you spent doing that and preparing it and what  
23 you used. And part of the problem is, you are asking a witness  
24 who doesn't know everything that you did. That's for you to  
25 testify about. You are asking her to -- and actually

0873RHE1

Rhee-Karn - Cross

1 Mr. Ferrante established yesterday she worked on, you worked on  
2 many things at the same time. Those hours that are recorded,  
3 they aren't necessarily all for the federal case. You will be  
4 able to explain all that.

5 But trying to draw all of that out with her when she  
6 doesn't really know what you did is really confusing I think to  
7 the jury.

8 MS. LASK: Okay.

9 THE COURT: And we have limited time.

10 MS. LASK: I know. That's why try I'm trying to blow  
11 through that.

12 THE COURT: I am going to impose a time limit on the  
13 cross-examinations if you cannot stay within the bounds.

14 MS. LASK: Well, I don't want to go much more than 15  
15 minutes anyway in any event. Efficiency is key.

16 THE COURT: Why don't you focus on the issues because  
17 you're not scoring any points on credibility by what you are  
18 asking now. You're just provoking a fight about how did it go.  
19 She's not happy but how it went, and you're just going to bring  
20 out more on that.

21 MS. LASK: When she blurts it out, they hear it. And  
22 she's doing it. All they are going to think is this bad lawyer  
23 made her do this. Okay, and your Honor, she's not an innocent  
24 lamb and I could bring it out.

25 THE COURT: No one is saying she is.

0873RHE1

Rhee-Karn - Cross

1 MS. LASK: She is saying to them, so I have the right  
2 to take out the e-mails and say, well, here you are saying do  
3 this. Here you are saying that. She opened it. She -- she  
4 said it. She blurted it out.

5 THE COURT: When you say "it," specify.

6 MS. LASK: Okay, yes, sir. One of the first things  
7 she came out of the gate and said, she made me file it, I  
8 didn't know what was going on. Something like that. And then  
9 throughout it she said I don't know what's going on, you are  
10 the lawyer. I can show you she said it. We didn't ask her  
11 that. She wants to paint a picture. She sure painted it all  
12 on me, innocent lamb. I have 15 documents -- I wasn't going to  
13 go through all of this them.

14 THE COURT: She testified yesterday she did work  
15 closely with you. There are many e-mails. She did have input.  
16 There is no question about that.

17 MS. LASK: And at the same time she was saying I don't  
18 know, I didn't understand.

19 THE COURT: She didn't say that. She said I don't  
20 know everything what this means in the billing, which I don't  
21 blame her for saying, because they were abbreviations. And  
22 she's not a lawyer. She may not know what they all mean.

23 MS. LASK: Let me ask her about it.

24 THE COURT: If you want to ask her about the records  
25 during the time period that we're talking about, you can ask

0873RHE1

Rhee-Karn - Cross

1 her if she knows what they are.

2 MS. LASK: Well, but I would go a little further and  
3 say, well, didn't you have the opportunity, you get the bills  
4 correct -- should I say this now?

5 THE COURT: Of course you can ask have you received  
6 these? Do you have any questions? Did you ask?

7 MS. LASK: Yeah.

8 THE COURT: That's relevant. All we are doing right  
9 now is totally extraneous and it's not challenging credibility.  
10 It is totally a tangent. I don't want to waste any more time  
11 here. I don't want to waste any more of the jury's time. We  
12 are going to go in and you are going to focus on the issues  
13 which are the time spent and the substance done during the time  
14 window that's at issue. And then if you want, anything that  
15 was reused for the second federal action. Understood?

16 MS. LASK: Yes, your Honor.

17 THE COURT: That's what we are doing.

18 MR. DOLLINGER: Judge, one issue I ask the Court is in  
19 reading Judge Cote's decision and the Court of Appeals, I don't  
20 want to invoke any angst related to how that order reads, but  
21 it does say concerning I believe is the language it uses. So  
22 it's not just the actual filing of the complaint. It is those  
23 matters associated with it.

24 THE COURT: For the federal action, of course.

25 MR. DOLLINGER: Judge, I just don't want to waste

0873RHE1

Rhee-Karn - Cross

1 time.

2 THE COURT: All right.

3 MS. LASK: I'm sorry, I didn't understand.

4 THE COURT: You didn't understand? The federal  
5 action, the first federal action is not just a complaint.  
6 There may have been other things associated with it. There is  
7 research, it was filed, I don't know what happened after.  
8 Anything about that is fair game about what the time was spent  
9 on for the first federal action. That's all.10 MS. LASK: Your Honor, regarding that, so he wants to  
11 pull out all these bills after the time period in question is  
12 what I understood was happening. Correct?13 THE COURT: I have no idea if that's happening or not.  
14 But what I understand is they want to ask about time. If you  
15 are going to be saying material is used from the first federal  
16 action in the second federal action, it may be fair game to  
17 say, well, then why didn't this take less time when you were  
18 doing it for the second action. I don't know if that's what  
19 the time records show or will support that.20 MR. LONERGAN: That's certainly defendant's  
21 preponderance to prove that, to show that.22 THE COURT: It's fair questioning. Again we're  
23 focusing on the procedural aspect of what was used, how much  
24 time did you spend, things like that.

25 We are going to go back in there. As I said, I am now

0873RHE1

Rhee-Karn - Cross

1 going to hold folks in contempt if they cannot follow my orders  
2 and directions.

3 One other housekeeping thing is I realized I started  
4 with 10 for the defendant's cross-examinations. I was thinking  
5 they only went up to 4. I am starting with 110, 111, 112 to  
6 designate them as cross and then the next will be 113.

7 MS. LASK: One last thing and I do have a problem with  
8 I ask her a question and she tells a whole other story. It is  
9 a yes or no.

10 THE COURT: I will listen for yes or no, and if you  
11 think she hasn't answered yes or no, you can raise it. I just  
12 think there are several questions there where it wasn't a  
13 simple yes or no. So be careful with the questions. We are go  
14 going to go back in.

15 (Continued on next page)

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0873RHE1

Rhee-Karn - Cross

1 (In open court)

2 THE COURT: Just a housekeeping thing. So as not to  
3 confuse the jury, the documents or exhibits that I was  
4 referring to as defendant's cross-examination exhibits I  
5 started at too low a number. So I am going to use hundreds.  
6 110, 111, 112, the next one will be 113. Thank you.

7 Ms. Lask, please proceed.

8 BY MS. LASK:

9 Q. Ms. Karn, yesterday you testified you went over two bills.  
10 The time period that is relevant to this case is October 24,  
11 2012, to February 5, 2013?

12 A. Correct.

13 Q. Short period, four months or so, correct?

14 A. Correct.

15 Q. And you testified that a lot of things were happening,  
16 state, federal, different things about that I was working on  
17 for what you described as a very complicated custody case with  
18 your husband, right, and you? I was working on various things.  
19 We went over that, right?

20 A. Right.

21 Q. So I notice on your bill, that you -- February 5 was the  
22 time period, and you testified to everything up to February 4  
23 but you did not testify what happened on February 5. Is there  
24 a reason do you recall?

25 A. I think that's based on the judgment. I mean, I feel like

0873RHE1

Rhee-Karn - Cross

1 you know a lot more of it should be included, but I'm following  
2 what the Court --

3 Q. That's not the question.

4 A. Why didn't I include February 5? Can I see?

5 Q. February 5, sure, I'll put it up for you. This is your  
6 exhibit and there is February 5. You completely ignored it and  
7 says e-mails -- I'm sorry. Yeah, it does.

8 THE COURT: There are two entries on February 5.

9 Which one?

10 Q. I was going to get to that. The first one.

11 THE COURT: Just to be clear, we are looking again at  
12 Plaintiff's Exhibit 2.

13 Q. I'm pointing right there. It says FRCP, which is Federal  
14 Rule of Civil Procedure 41, voluntary dismissal, correct?

15 A. Correct.

16 Q. And what happened on February 5 with that voluntary  
17 dismissal? I'm sorry. I apologize. I withdraw. So we're  
18 clarified. I have very little after this.

19 That's February 5. And here --

20 MR. FERRANTE: Your Honor, that is Defense Exhibit 2,  
21 the voluntary dismissal, in your binder.

22 THE COURT: Thank you.

23 Q. I show you entry on February 5 that is part of this case.  
24 And then I'm showing you the FRCP I referred to in the billing  
25 41, and there you see it pursuant to Federal Rule of Civil

0873RHE1

Rhee-Karn - Cross

1 Procedure and those FRCP 41. This is a filing dated February 4  
2 but I filed it electronically myself on February 5. You see my  
3 signature. And it says notice of voluntary dismissal without  
4 prejudice. Is that correct?

5 A. Correct.

6 Q. So, and it is correct I filed that electronically and  
7 that's my signature; is that correct?

8 A. Correct.

9 Q. And the voluntary dismissal is something that was filed  
10 February 4 -- February 5, so you testified that the complaint  
11 was filed December 21?

12 A. Correct.

13 Q. So would it be a little less than five weeks that this was  
14 filed, this voluntary dismissal?

15 A. Which I didn't know about.

16 Q. That wasn't the question. Yes or no?

17 A. That's what the document says but I didn't learn about it  
18 until way after March. This invoice was from March.

19 THE COURT: Please answer the question as asked. If  
20 there is something to clarify, your attorney will be able to  
21 ask you on redirect.

22 And just for the jury for clarity, I mentioned in my  
23 opening description of the case that the first federal action  
24 was withdrawn, it was voluntarily dismissed. This is the  
25 document that effected that for the first federal action.

0873RHE1

Rhee-Karn - Cross

1 Q. So the answer is yes?

2 A. Yes.

3 Q. Voluntarily withdrawn. And when the first was filed about  
4 five weeks before, by you, you said, and then I filed an  
5 electronic to withdraw it, five weeks, about five weeks later  
6 on February 5, what happened in between then from the  
7 December 21 filing and this withdrawal?

8 MR. LONERGAN: Objection. What do you mean what  
9 happened?

10 THE COURT: Objection sustained. Let's get a little  
11 more specific and orient the witness.

12 MS. LASK: I was going to.

13 THE COURT: Thank you.

14 Q. Were there any motions filed by any parties on this first  
15 filing that you filed December 21, you filed it, let me be  
16 clear. It says the caption Maggie Rhee-Karn v. Referee  
17 Burnett, right, Rosemary Rivieccio, Dr. Brandt, and City of New  
18 York.

19 Did any of those defendants file an answer to the  
20 complaint?

21 A. You withdrew.

22 Q. So nothing happened?

23 A. You withdrew it.

24 Q. So nothing happened, yes or no?

25 A. Correct.

0873RHE1

Rhee-Karn - Cross

1 Q. So something was filed and in less than five weeks later it  
2 was withdrawn immediately, correct?

3 A. Correct.

4 Q. Thank you. Did you pay for anything for December, from  
5 February 21 to the 5th for any kind of litigation with respect  
6 to that first filing that was withdrawn? Litigation meaning  
7 and I'll be specific again, motions, answers, any other filings  
8 on that December 21 date of litigation?

9 A. Of litigation? No, we were not in litigation.

10 Q. Okay. So something was filed and it was withdrawn  
11 immediately.

12 MR. LONERGAN: Is that testimony, Judge?

13 THE COURT: It can't be because it is the questioning  
14 attorney, so it is to be disregarded. Objection sustained.

15 Q. Then I promised to be efficient and I will keep my promise  
16 and short. And the promise is or the next question is, it's  
17 very simple. You testified to all of those -- well, to the  
18 bills that are within this damage period of October 24 to  
19 February -- it was 5th but you said nothing happened on the 5th  
20 but we just established that, correct? The time period is  
21 until February 5, correct?

22 A. Right.

23 Q. So, you paid, you had all of those bills as the case was  
24 going, correct?

25 A. Yes, but I didn't get my first invoice until January of

0873RHE1

Rhee-Karn - Cross

1 2013, which is six months after.

2 Q. That wasn't the question. Yes or no. Did you have those  
3 bills? I didn't ask her when she received anything.

4 THE COURT: But your question requires clarification  
5 because it is vague without a time frame. So she's answering  
6 it correctly.

7 Q. Do you have, well, the bills are dated January 6. Did you  
8 have the bill on January 6, 2013, that's when you got the bill,  
9 correct, of those time periods?

10 A. I did not get the bill for that time period until March of  
11 2013. I didn't get any -- the first bill I saw was January of  
12 2013. It was over 100,000 was spent.

13 MS. LASK: No, your Honor --

14 THE COURT: Ms. Karn, don't add extra. All you need  
15 to do was say it was January 13.

16 Q. Let me refresh your memory. This is your own bill and it  
17 says January 24, not March.

18 A. The second one that included --

19 Q. I'm talking about the first bill you got was January 24,  
20 2013. And I represented you. We all say that. We had enough  
21 time. There it is. January 24, 2013. It has everything  
22 listed and in there on the second page, it has the October 24,  
23 it starts with the time period. Correct?

24 A. Correct.

25 Q. You had those bills and you paid the bills for the period,

0873RHE1

Rhee-Karn - Cross

1 the damages period that we're here for, you paid October 24 to  
2 February 5?

3 A. I paid all your bills, yes.

4 Q. No, that's not the question. No, it's not. The question  
5 is, and I was responding to counsel --

6 THE COURT: She paid your bills. We also have a  
7 stipulation on file that she paid everything.

8 Q. She said all bills. I am talking about this bill. You had  
9 it, you paid it. And you never questioned it, did you?

10 A. No, I didn't question it.

11 Q. But you could question, if you had any question, if you  
12 thought I don't understand something, I don't understand what  
13 this means, you --

14 A. Because I trusted you, Ms. Lask. I trusted you as my  
15 attorney. I supported the decisions we both made.

16 Q. We both made together, correct?

17 A. We both made together. You are the attorney. That's why I  
18 retained you.

19 Q. And you are the client and we were making decisions  
20 together, so I was informing you what can and can't be done and  
21 you were making decisions?

22 A. You misinformed me, yes.

23 Q. All I'm asking is if you had any problem and we were  
24 talking a lot you testified yesterday. If you didn't  
25 understand something, or if you looked and said, oh, wow,

0873RHE1

Rhee-Karn - Cross

1 that's the federal, that's the state. What should I do, in the  
2 bill, meaning something's regarding federal, something's  
3 regarding state, you could have asked me about it because you  
4 testified yesterday we were talking all the time, correct? You  
5 could have asked any question you wanted?

6 A. I was in a situation where I lost custody of my child.

7 THE COURT: Just answer the question.

8 A. I paid for it. I didn't ask. I trusted you.

9 Q. I trusted my client -- the attorney trusts the client too,  
10 don't they, to ask any questions. That's in your retainer, any  
11 retainer or just --

12 A. The retainer.

13 Q. I'm sorry?

14 THE COURT: Ask a question.

15 MR. LONERGAN: This is really, she's beating her up.  
16 Come on, Judge. This is harassment. This is combative  
17 cross-examination.

18 THE COURT: The objection is overruled. But, the  
19 question is not yet a question and it needs to be asked  
20 clearly.

21 Seems to me the question is, Ms. Karn, that if you had  
22 wanted to, if you had a question about the bills, you could  
23 have called your attorney and asked. Is that true?

24 THE WITNESS: Of course that was true.

25 THE COURT: Thank you. Okay.

0873RHE1

Rhee-Karn - Redirect

1 MS. LASK: Your Honor, no further questions. And  
2 promise kept.

3 THE COURT: Thank you, Ms. Lask.

4 Any redirect?

5 MR. DOLLINGER: Yes. May I have just a minute to get  
6 the exhibits placed in order?

7 THE COURT: Apologies to the jury. Typically  
8 attorneys will provide copies to the other side of the  
9 documents they are using beforehand.

10 REDIRECT EXAMINATION

11 BY MR. DOLLINGER:

12 Q. Good morning, Ms. Karn.

13 Good morning, ladies and gentlemen.

14 Referring to Exhibit 2, the Bates stamp is 1461. And  
15 that is an invoice or one of the pages from the invoice from  
16 January invoice that Ms. Lask provided to the plaintiff. I  
17 want to ask you, ma'am, Ms. Karn, who prepared Exhibit 3 which  
18 is the compilation as the judge described the demonstrative  
19 evidence, who prepared that for you, do you know? Do you  
20 recall?

21 A. I'm sorry. Can you say that again?

22 Q. I'll show you the document. Do you know who prepared that  
23 document?

24 A. Yes, you prepared that.

25 MR. DOLLINGER: And again that's Exhibit 3, your

0873RHE1

Rhee-Karn - Redirect

1 Honor.

2 THE COURT: Yes.

3 Q. And mea culpa for the February 5 omission.

4 What I want to ask you about, though we're talking  
5 about and will include the February 5 Article 78 proceedings  
6 and the entries after that.7 Now, I want to just first go to the petition. And  
8 you'll see on February 5 it says -- will you tell us what the  
9 February 5 entry is.

10 THE COURT: The first one.

11 MR. DOLLINGER: My apologies, your Honor. Yes, sir.

12 A. I guess she read the client e-mails regarding school,  
13 drafted I don't know what that is, research Article 78  
14 procedure, draft filed FRCP 41 voluntary dismissal.15 Q. So we know that the voluntary dismissal was filed by  
16 Ms. Lask?

17 A. Correct.

18 Q. And when did you become aware that the voluntary withdrawal  
19 was filed; do you recall?20 A. She mentioned it to me. It just came up around this time,  
21 March maybe. Yeah. After, yeah.22 MR. DOLLINGER: Your Honor, again, I apologize but I  
23 don't believe the witness has her exhibit book. Mr. Lonergan,  
24 would you be kind enough to --

25 THE COURT: That's fine. Please bring it up.

0873RHE1

Rhee-Karn - Redirect

1 MR. DOLLINGER: Thank you, your Honor.

2 Q. You see that entry, right?

3 A. Yes.

4 Q. I am going to ask you Defendant's 19, your Honor. P0178.

5 Verified petition. You saw this yesterday, correct?

6 A. Correct.

7 Q. Can you tell us what that document is?

8 A. That is an Article 78.

9 Q. You see this document?

10 A. Correct.

11 Q. Page 20 or pardon me. Page 201.

12 A. Correct.

13 Q. What date did you sign that?

14 A. The date is February 12, thereabouts.

15 Q. So this document was?

16 A. 2013.

17 Q. I'm sorry for interrupting. So this document was prepared  
18 after the claim that you have for October 24 through  
19 February 5; is that correct?

20 A. Correct.

21 Q. By the way, did you pay for this document?

22 A. Yes, I paid for that document.

23 Q. You see it there on the --

24 A. Yes, on the invoice.

25 Q. Is that a separate payment from any of the other payments

0873RHE1

Rhee-Karn - Redirect

1 that you are requesting a refund on?

2 MS. LASK: Your Honor, objection.

3 THE COURT: I'm not exactly sure what the question is  
4 actually asking. Can you rephrase a bit.

5 MR. DOLLINGER: Yes, my apologies, Judge.

6 Q. What I am asking is are you seeking recovery for the  
7 preparation of the Article 78?

8 A. No, I'm not.

9 MS. LASK: Objection.

10 THE COURT: Overruled.

11 Q. Any date related to the Article 78, are you seeking  
12 recovery for any of the dates in preparation of the Article 78?

13 A. No, I'm not.

14 Q. Thank you. Ms. Lask asked you about the final order in  
15 your family court proceeding.

16 A. Correct.

17 Q. Do you recall the date of that order?

18 A. June of 2014?

19 (Continued on next page)

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087DRhe2

Rhee-Karn - Redirect

1 (In open court; jury present)

2 MR. DOLLINGER: Your Honor, Exhibit E for the  
3 defendant, decision and order of the family court.

4 THE COURT: I'm sorry. Is this a separate exhibit or  
5 is it part of another exhibit?

6 MR. DOLLINGER: This is the Defendant's E, your Honor.

7 THE COURT: They don't have letter exhibits, so I'm  
8 assuming this was attached to something as a document.

9 MR. DOLLINGER: It's not noted, your Honor.

10 THE COURT: Pardon?

11 MR. DOLLINGER: Your Honor --

12 THE COURT: That's okay. We just need to identify it  
13 for the record properly, but why don't you proceed.

14 MR. DOLLINGER: Thank you, your Honor.

15 Q. I'm going to draw your attention to the signature date of  
16 the document.

17 Do you see that date?

18 A. Correct.

19 Q. Can you read that into the record, please?

20 A. The date is October 15, 2014.

21 Q. When did you discharge Ms. Lask?

22 A. I discharged October 2014.

23 Q. So it was before the decision now?

24 A. Correct.

25 Q. Okay. Who represented you between the time Ms. Lask was

087DRhe2

Rhee-Karn - Redirect

1 discharged, assuming it was sometime early in 2014, and this  
2 decision? Did you have an attorney at all?

3 A. I was going pro se, and then you represented me towards the  
4 end.

5 MS. LASK: Your Honor, objection, irrelevant.

6 THE COURT: Yeah. Mr. Dollinger, we're --

7 MR. DOLLINGER: I'm going there. My apologies.

8 Withdrawn, Judge.

9 THE COURT: Okay. Just so the jury understands the  
10 term "pro se," that's when a litigant represents themselves  
11 without a lawyer.

12 Q. Okay. I don't want to belabor the point, but, again, you  
13 personally filed the first amended complaint -- the first  
14 federal complaint in this matter on December 21, 2012, at the  
15 direction of Ms. Lask; is that correct?

16 A. Correct.

17 Q. Okay. And did Ms. Lask tell you to execute any of the  
18 documents with her signature?

19 MS. LASK: Your Honor --

20 A. Yes, she did.

21 MS. LASK: -- objection. You've told us --

22 THE COURT: The objection is sustained.

23 MS. LASK: And it should be stricken, what she just  
24 said, as well.

25 THE COURT: The objection is sustained.

087DRhe2

Rhee-Karn - Redirect

1 MR. DOLLINGER: Your Honor --

2 THE COURT: Just go on.

3 MR. DOLLINGER: Excuse me. I'm asking again, may I  
4 have the document you questioned the witness on related to  
5 entries? I believe it's 1290 of Bates through 1307. May I  
6 have them, please?

7 MS. LASK: Your Honor --

8 THE COURT: Hey. Enough. Enough.

9 Mr. Dollinger, you're referring to the descriptive  
10 time entries; is that right?

11 MR. DOLLINGER: Correct, your Honor.

12 THE COURT: Okay.

13 MR. FERRANTE: Your Honor, if I may on that, the  
14 witness claimed to have never seen that, and we went nowhere  
15 with it, so it wasn't really used. And, also, we provided all  
16 of our exhibits --

17 MS. LASK: He has them.

18 MR. DOLLINGER: Judge.

19 MR. FERRANTE: -- in the case to plaintiffs, so --

20 THE COURT: First of all, you did ask about it  
21 yesterday of her, and you're right, I limited it. But since  
22 you asked about it, he's at least allowed to ask something, and  
23 I need to see what that is. He may, in fact, be getting  
24 testimony that's precisely about what you just said.

25 So just bear with me. I'm going to give you my copy

087DRhe2

Rhee-Karn - Redirect

1 if I can find it within my book.

2 MR. DOLLINGER: Well, they have a copy, your Honor.

3 MR. FERRANTE: It's no. 6, your Honor --

4 THE COURT: No. 6. Thank you.

5 MR. FERRANTE: -- of the plaintiff's -- the  
6 defendant's --

7 THE COURT: I will ask for it back after you use it.

8 MR. DOLLINGER: Well, your Honor, the defendant has  
9 it.

10 THE COURT: Look, I'm just trying to help you to get  
11 this going.

12 So, Ms. Shah, can you bring this to counsel, please,  
13 at the podium?

14 MR. DOLLINGER: Thank you.

15 Q. Very simple question: You see this document?

16 A. Yes.

17 Q. Okay. Yesterday you were asked questions about the  
18 document and your receiving the document and your first -- and  
19 whether or not we had gone over the document. I believe that  
20 was some of the questions.

21 Do you recognize that document at all?

22 A. I only recognize it -- we received it within the last  
23 couple weeks, yeah.

24 Q. So you -- you had a prior attorney in this matter, correct?

25 A. I did.

087DRhe2

Rhee-Karn - Redirect

1 Q. What was his name?

2 A. His names was --

3 MS. LASK: Your Honor, objection. In what matter?

4 I'm not sure --

5 MR. DOLLINGER: In this case.

6 MS. LASK: Which case?

7 THE COURT: Which case?

8 MR. DOLLINGER: The case we're on trial on.

9 THE COURT: So it was an earlier attorney.

10 MR. DOLLINGER: Yes. I apologize.

11 A. Yes, I know --

12 MS. LASK: Your Honor, objection. Irrelevant. We've  
13 gone over this. They're talking about actually back in  
14 July 2023.

15 THE DEPUTY CLERK: Counsel, can you please use the  
16 microphone?

17 MS. LASK: Objection, irrelevant. This has already  
18 been gone over.

19 THE COURT: Yes. Sustained. We're not going to go  
20 into the issue of the providing of this document between  
21 counsel previously.

22 MR. DOLLINGER: Note the exception, your Honor.

23 THE COURT: Duly noted.

24 BY MR. DOLLINGER:

25 Q. This is the first time that you've seen the document is

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Rhee-Karn - Redirect

2 after you discharged Ms. Lask; is that correct?

3 A. Correct.

4 Q. You never received it in the mail or by email; is that  
5 correct?

6 A. No.

7 Q. Have you ever been accused of executing Ms. Lask's  
signature without her permission?

8 MS. LASK: Your Honor, objection. Irrelevant.

9 MR. DOLLINGER: It's in time relevant --

10 THE COURT: Hold on. Why is it relevant?

11 MR. DOLLINGER: It goes to credibility of the witness,  
12 your Honor.

13 MS. LASK: July 23 --

14 THE COURT: I think we've already been over this.

15 MR. DOLLINGER: I need to approach on this, your  
16 Honor.

17 (Continued on next page)

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Rhee-Karn - Redirect

1 (At sidebar; jury not present)

2 MR. DOLLINGER: Your Honor, Ms. Lask appeared before  
3 this very -- Ms. Lask appeared before this very court and  
4 testified, and there is testimony before Judge Cote, okay, that  
5 the client forged her signature.

6 THE COURT: Shhh.

7 MS. LASK: Okay.

8 MR. FERRANTE: We don't have the sound machine on,  
9 judge.

10 THE COURT: I'm sorry. Ms. Shah, do you have the  
11 sound machine?

12 THE DEPUTY CLERK: Yes.

13 THE COURT: It's not working?

14 THE DEPUTY CLERK: No.

15 MS. LASK: All of this, July 23 --

16 THE COURT: Let's go back here.

17 MS. LASK: Number one, this was all gone over ad  
18 nauseam where he keeps trying the -- he says "this goes to  
19 Ms. Lask's credibility." You just said in there, stick to the  
20 bills. Let's go. I stopped everything I wanted to do to stick  
21 to the bills. And then he goes back to something you ruled on  
22 three times. Three times. Three. July 24, before that --  
23 23rd, then he lied about this whole thing and said, oh, this is  
24 fake. You ruled on it again.

25 THE COURT: Right. You know --

087DRhe2

Rhee-Karn - Redirect

1 MS. LASK: You took Ms. Lask's deposition. He did --

2 THE COURT: What is the issue of the forged signature?

3 MR. DOLLINGER: Your Honor, there are emails that the  
4 witness has that show that Ms. Lask was the one that told her  
5 to do this. She gave her direction on how to do it.

6 Wait. Judge --

7 MR. FERRANTE: She already testified to that.

8 THE COURT: Yes. There's been no testimony that she  
9 forged the signature or anything before that.

10 MR. DOLLINGER: Excuse me. It is before your Honor.  
11 It is in your courtroom. It is a false statement and goes to  
12 her credibility.

13 MS. LASK: He argued this three times.

14 THE COURT: Wait. Wait. Wait. You're talking about  
15 on the filing of the first federal complaint, right?

16 MR. DOLLINGER: Yes.

17 THE COURT: They agreed that it was going to be filed,  
18 and it was filed.

19 MR. DOLLINGER: Uh-huh.

20 THE COURT: Okay. Ms. Lask's signature appears on it,  
21 and she's saying she authorized your client and your client  
22 says she didn't.

23 MR. DOLLINGER: And now it's an inconsistent  
24 statement.

25 THE COURT: Where is the inconsistency -- hold on --

087DRhe2

Rhee-Karn - Redirect

1 in the testimony before the jury? Where's the inconsistency?

2 MR. DOLLINGER: Well, the client became aware that the  
3 defendant claimed a forgery.

4 MS. LASK: What? This was --

5 MR. FERRANTE: Judge --

6 MR. DOLLINGER: Judge, it's in the record. We have  
7 the transcript.

8 MR. FERRANTE: Yes. We can pull the transcript. It  
9 was ruled on extensively. It was out --

10 THE COURT: Hold on. It's out --

11 THE DEPUTY CLERK: Judge, before you make any  
12 decisions, the jurors need to use the restroom.

13 Can I excuse them?

14 THE COURT: Yes. Absolutely. Ten minutes.

15 MR. LONERGAN: Your Honor, could I get a word with  
16 Mr. Dollinger?

17 THE COURT: Yes. Thank you.

18 MR. LONERGAN: Thank you.

19 MR. DOLLINGER: Judge, my apologies. After discussing  
20 the matter with Mr. Lonergan, I'll withdraw the question and  
21 we'll proceed forward.

22 THE COURT: Okay. I appreciate that.

23 MS. LASK: You --

24 THE COURT: That's it.

25 The jury was just excused. You are excused as well.

087DRhe2

Rhee-Karn - Redirect

1 MR. LONERGAN: Thank you, your Honor.

2 THE COURT: We'll resume in ten minutes.

3 (Recess taken.)

4 THE COURT: Mr. Dollinger, are you done with that  
5 exhibit, the time records?

6 MR. DOLLINGER: Yes. Do you want me to hand it up?

7 THE COURT: When you're done with it. I just want to  
8 get it back.

9 MR. DOLLINGER: I'm done with it. I just don't want  
10 the Marshals to show up at my house looking for me and this.

11 LAW CLERK: I'll take it.

12 (Continued on next page)

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087DRhe2

Rhee-Karn - Redirect

1 (In open court; jury present)

2 THE DEPUTY CLERK: Parties please rise. Jury entering  
3 the courtroom.

4 THE COURT: Please be seated.

5 Are we ready to resume with redirect?

6 MR. DOLLINGER: Yes, sir.

7 THE COURT: Please do.

8 Q. Just a basic follow-up question: Ms. Karn, do you recall,  
9 was there an appeal of the order from Judge -- the judge in the  
10 family court?

11 How many appeals were there? Do you recall?

12 A. I do --

13 MS. LASK: Your Honor, objection. Is this within the  
14 scope of the time period?

15 MR. DOLLINGER: Within the --

16 THE COURT: He's following up on the questions you  
17 asked.

18 A. Yes, I appealed it.

19 Q. You appealed what?

20 A. The family court decision.

21 Q. Which one?

22 A. The one that -- the final decision.

23 Q. And what about the temporary decision?

24 A. Oh, the temporary decision. That ended up -- I got  
25 supervised visitation. As far as the First Department, I'm not

087DRhe2

Rhee-Karn - Redirect

1 -- I'm not really sure.

2 THE COURT: If you don't know, that's fine.

3 MR. DOLLINGER: Thank you, Judge.

4 Q. What I want to ask you is were you billed for that  
5 separately than the first federal action?

6 A. Yes, I was.

7 Q. What were the total bills?

8 A. Total bills for --

9 MR. FERRANTE: Objection, your Honor.

10 A. Over 300.

11 THE COURT: Hold on. Total bills for everything?

12 MR. DOLLINGER: Yes.

13 THE COURT: I think she said it about ten times  
14 already.

15 MR. DOLLINGER: No, she didn't, Judge, within the  
16 window.

17 THE COURT: Within the window.

18 A. \$345,000.

19 Q. For the entire --

20 MS. LASK: Objection.

21 THE COURT: Hold on.

22 Q. For the entire case?

23 A. Yes.

24 MS. LASK: Objection, your Honor. We're not talking  
25 about the --

087DRhe2

Rhee-Karn - Recross

1 THE COURT: Overruled. But now ask specifically about  
2 the window if you're going to do that.

3 MR. DOLLINGER: For the record, Judge, I withdraw the  
4 last -- the prior question on the -- I don't remember what it  
5 was, but I'd like to withdraw it on the record, the question we  
6 were in the conference room --

7 THE COURT: Oh, yes. So the question that was pending  
8 when I called up counsel and we had a sidebar, that question is  
9 withdrawn.

10 MR. DOLLINGER: I have no further questions, your  
11 Honor.

12 THE COURT: All right. Thank you.

13 MS. LASK: Your Honor, we're looking for something.  
14 I'm going to need about five minutes. Something they raised,  
15 and it's in her documents.

16 THE COURT: Well, we just took a break.

17 MS. LASK: And during the break I was trying to find  
18 it. I just --

19 THE COURT: Ms. Karn.

20 MS. LASK: We're trying to get it up on the screen.

21 THE DEPUTY CLERK: It was just up. There you go.

22 THE COURT: Recross.

23 RECROSS EXAMINATION

24 BY MS. LASK:

25 Q. So, Ms. Karn, you had testified that you terminated me in

087DRhe2

Rhee-Karn - Recross

1 June of 2014. Is there any termination letter that you have  
2 proof of where you terminated me?

3 A. I -- yeah, there is an email.

4 Q. Where?

5 A. I would have to pull it up in my files. It's over ten  
6 years ago.

7 Q. Well, there's an email. What did it say?

8 A. Basically, I wrote that I cannot send any more money,  
9 because you asked me for another retainer, \$60,000, and I just  
10 have to -- I can't do this anymore. And then you --

11 Q. And then --

12 THE COURT: Let her finish her answer.

13 THE WITNESS: Excuse me?

14 THE COURT: Were you done or was there more?

15 THE WITNESS: If I recall, the email, I thanked you  
16 for your work but I said -- and things were completely going  
17 nowhere for me.

18 Q. And you're saying --

19 A. And I had to walk away and just end it. You asked for more  
20 money, and I couldn't do it. I paid in full everything that  
21 you asked for, and I went pro se. I mean, I lost custody  
22 ultimately.

23 MS. LASK: Your Honor, may I approach? Because I  
24 really -- this is very important. I'm trying to -- I need --  
25 may we approach? I need --

087DRhe2

Rhee-Karn - Recross

1 THE COURT: Are you concerned about bringing up an  
2 exhibit?

3 MS. LASK: Yes.

4 THE COURT: I just saw an exhibit on the screen.  
5 That's not the one you were looking for?

6 MS. LASK: No.

7 It's directly relevant to what she's saying.

8 THE COURT: What aspect of what she's saying?  
9 Regarding what?

10 MS. LASK: She claims she terminated me. I have an  
11 email saying, I am withdrawing from you for these reasons, and  
12 --

13 THE COURT: Okay.

14 MS. LASK: -- it's in the exhibits, but there were a  
15 thousand of them on this computer and we're trying to find it.

16 THE COURT: Okay. Well, unfortunately, that is not  
17 anyone's ultimate fault but the attorneys. I gave you a strict  
18 warning last night about preparing anything that might come up  
19 today, and I am not going to try the jury's or my patience  
20 anymore.

21 MS. LASK: Okay.

22 THE COURT: So I am not going to allow any more time.

23 MS. LASK: Your Honor, if I may?

24 THE COURT: If there's a question you want to ask  
25 without the exhibit, that's fine.

087DRhe2

Rhee-Karn - Recross

1 MS. LASK: I respectfully object, because we didn't  
2 know she would say that today, there is no way, or how she  
3 would repeat that today.

4 THE COURT: I'm sorry. You asked her a question about  
5 termination. You brought it up just now on cross. She was  
6 asked on direct about termination, I agree, and you're  
7 following up on that, and that's fine. You asked about an  
8 email. She told but it. And you don't have any --

9 MS. LASK: But the email --

10 THE COURT: We don't have anything right now, and I'm  
11 not going to take time to look for it anymore.

12 MS. LASK: We'll find it on my direct. Thank you,  
13 your Honor.

14 THE COURT: Okay.

15 MS. LASK: By the time that happens, I'll be glad to  
16 testify to that.

17 There was one more question.

18 THE COURT: Okay.

19 BY MS. LASK:

20 Q. And you say I was terminated by you I guess in June of  
21 2014, but let me show you --

22 MS. LASK: Is this working?

23 Q. Let me show you this. June, July, October 20th, 2014. I'm  
24 communicating to you -- subject, the form is due in 14 days.  
25 See below. Call clerk if you need to. And that is N.Y.S.D.

087DRhe2

Rhee-Karn - Recross

1                   Do you see that, Ms. Karn? It's dated October 20,  
2 2014, and we are --

3 A. Right.

4 Q. And we're still communicating, aren't we?

5 A. We are, but this is the second action with regard to the  
6 second --

7 Q. Well, the second federal complaint was filed after June of  
8 2014.

9                   Isn't that correct?

10 A. I may have gotten my dates wrong, but in the family court,  
11 I withdrew.

12 Q. You withdrew what?

13 A. As far as continuing to fight. I mean I went pro se.

14 Q. Well, then you didn't withdraw. You continued to represent  
15 yourself.

16 A. Right, because I couldn't -- I didn't have any more money  
17 to be feeding into this.

18 Q. When was the end of that trial in 2014, in the family  
19 court, that you just testified to? What was the end of the  
20 trial? Was it June of 2014?

21 A. It was in 2014.

22 Q. Was it June of 2014?

23 A. You brought that order up, so it was okay I guess, that  
24 order?

25 Q. No, the order -- let me ask you about the order. The last

087DRhe2

Rhee-Karn - Recross

1 trial date of your case, your custody case, you said I was  
2 hired to handle your custody case, correct?

3 A. Correct.

4 Q. And I handled the second half of the trial after the other  
5 attorneys for two years started, correct?

6 A. Correct.

7 Q. And the trial ended on a particular date, didn't it?

8 A. I honestly cannot recall. It was in 2014.

9 THE COURT: That's fine.

10 A. It was ten years ago. I don't recall.

11 THE COURT: That's fine. You don't need to add.

12 She doesn't recall.

13 Q. Okay. So let me refresh your memory.

14 THE COURT: By the way, the exhibit that was just  
15 being discussed is going to be Defendant's Cross 113.

16 Q. One second.

17 So we can be clear on the last date of the trial --  
18 oh, I found it.

19 Remember earlier I sent -- I put up the Referee  
20 Burnett --

21 A. Yes.

22 Q. -- order that you said was October 14 or 15, 2014, and you  
23 said that was the last date of the trial? But I'm going to  
24 show you the judge showing the last date of trial where that  
25 document was May 30, 2014.

087DRhe2

Rhee-Karn - Recross

1 A. Correct.

2 Q. Does that refresh your recollection? So was that the last  
3 date of the trial?

4 A. I assume that was the last date.

5 Q. So I was hired to handle a custody case and trial, and the  
6 trial date was over, is that correct, May 30?

7 A. Correct.

8 Q. So the job was complete? The trial was over, correct, May  
9 30, 2014?

10 A. Correct.

11 Q. Thank you.

12 THE COURT: All right. Ms. Karn, thank you so much.

13 (Witness left stand)

14 MR. DOLLINGER: Judge?

15 MR. LONERGAN: We're good.

16 MR. DOLLINGER: All right.

17 THE COURT: All right. Is plaintiff done with your  
18 affirmative case?

19 MR. DOLLINGER: We are, your Honor.

20 THE COURT: Okay. Defense, please call your witness.

21 Will you raise your right hand, please?

22 (Witness sworn)

23 THE COURT: Thank you. You may proceed.

24 MR. FERRANTE: Thank you, your Honor.

25 Just so it's easy to follow, your Honor, I'm going to

087DRhe2

Lask - Direct

1 be referring to Defense Exhibits One, Two, and Three, which are  
2 the first federal action, the voluntary withdrawal of the first  
3 federal action, and the second federal action; and then I'm  
4 going to be referring to Defense Exhibits Four, Five and Six,  
5 which are the billing for the periods of 10/24 to 1/24; no. 5  
6 is the billing from 1/25 to 2/5, which encompasses the relevant  
7 time period; and no. 6, which we were looking at earlier, which  
8 is the detailed entries that we had -- I think your Honor took  
9 your copy of it back, no. 6; and no. 19 will likely come up as  
10 well. That's the Article 78 that we've already seen.

11 And that's it for now, your Honor.

12 THE COURT: All right. Thank you.

13 Just make sure that when you put one up, that you  
14 identify it --

15 MR. FERRANTE: I will.

16 THE COURT: -- by the exhibit number.

17 SUSAN CHANA LASK,

18 called as a witness by the Defendant,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. FERRANTE:

22 Q. Good morning, Ms. Lask.

23 A. Good morning.

24 Q. How long have you been an attorney?

25 A. To this date, 35 years. As of the *Karn* case, 25.

087DRhe2

Lask - Direct

1 Q. And what areas of practice -- what areas did you practice  
2 in during all that time?

3 A. At the time of the *Karn* case, for 25 years. I'm a custody,  
4 family court custody attorney, divorce and civil rights  
5 attorney.

6 Q. And at some point in time you were hired by Ms. Karn?

7 A. Yes. Sometime in about May, the end of May 2012, for a --

8 Q. What issues were you working on for Ms. Karn?

9 A. Custody case, her divorce case, which was in a different  
10 court, and the custody case was in the other court, family  
11 court case. There were two judges on that, Referee Burnett,  
12 Judge Sosa Lintner.

13 In the custody case, there was the Article 78 I was  
14 preparing, particularly during the relevant time period here.  
15 I was preparing an appeal during the relevant time period here.  
16 I was preparing complaints, and when I say complaints, meaning  
17 there was administrative judges that are the top judges that  
18 oversee Referee Burnett, and Ms. Karn wanted me to complain to  
19 them, because that is the procedure if you have a complaint  
20 about the referee taking too long on a custody case. And by  
21 the time she came to me, it was already two years. It took  
22 another two years to get to the end of the trial.

23 At the relevant time, I was working on those  
24 complaints with her. She drafted some, said what do I think.  
25 I would give her some ideas or sometimes -- so there were

087DRhe2

Lask - Direct

1 different things within the custody case, the family court  
2 case, relevant to this that I was doing all these different  
3 things, and I was appearing at the family court many, many  
4 times during this relevant period. She wanted to recuse  
5 Referee Burnett. I argued that. I argued all the  
6 constitutional issues in the state case, because --

7 THE COURT: Let's be careful about a narrative answer  
8 here, please.

9 THE WITNESS: Well, he asked me everything I was  
10 doing, so I just wanted to be very clear.

11 THE COURT: Well, I think at a general level --

12 THE WITNESS: I was arguing the state constitutional  
13 cases and federal cases in the state court, and it involved  
14 many appearances, many -- it was trial. And I must have  
15 appeared in court about 12, 14 times easily, as well as  
16 telephonic appearances.

17 There were transcripts in that case when I was hired  
18 that were thousands of pages, because of her prior attorney,  
19 David Scott. She was in the middle of trial. They take  
20 transcripts, and I had to digest all of those to get up to  
21 speed as to what was happening in a very complicated and  
22 brutally fought between the husband and wife case.

23 I mean, there was a lot more, but --

24 Q. Understood.

25 A. There was a lot.

087DRhe2

Lask - Direct

1 Q. Now, yesterday and today Ms. Karn testified, and you heard  
2 all of her testimony, correct?

3 A. Correct.

4 Q. Okay. And she was presented with invoices from you, right?

5 A. Correct.

6 Q. Okay. And the relevant period for that was October 24 of  
7 2012 to February 3rd, 2013, is the parameters that we've been  
8 working with, correct?

9 A. If I may correct you, it was February 5th, 2013 --  
10 October 24 to February 5th.

11 Q. Sorry. We did do that today.

12 So it went a couple extra days to the 5th, not the  
13 3rd?

14 A. The parameters were February --

15 Q. Right?

16 A. The end was February 5th, 2013. The short period between  
17 October 24, 2012, to February 5th, 2013.

18 Q. I'm showing you Defense Exhibit 14 --

19 A. I see it.

20 Q. -- which I believe was Plaintiff's Exhibit Two.

21 This is the billing period that we've just been  
22 talking about, right? It starts at 10/24?

23 A. And it continues to February 5th of 2013. Right.

24 Q. And then there's a second exhibit, Five, which is the last  
25 portion of the billing. That's Defense Exhibit Five.

087DRhe2

Lask - Direct

1                   You recognize that, right?

2 A. Yes. February 5th it ends.

3 Q. Okay. I want to show you what's marked as Defense Exhibit  
4 Six.

5                   You recognize that document, correct?

6 A. Correct.

7 Q. Now, you remember Ms. Karn putting up -- or, I'm sorry, the  
8 plaintiff's attorneys putting up a synopsis sheet --

9 A. Correct.

10 Q. -- of billing hours that they claimed were towards the  
11 first federal complaint?

12 A. Correct.

13 Q. And they encompass 10/24 through 2/4, to show it to you  
14 again?

15 A. Yes, I recall that.

16 Q. You recall that. And you recall Ms. Karn testifying that  
17 each and every one of these hours, in her opinion, were hours  
18 that you charged towards your work in the first federal action?

19                   Do you remember that testimony?

20 A. Yes.

21 Q. Okay. And this was the synopsis of those hours?

22 A. Correct.

23 Q. Okay. When she testified that all of those hours were used  
24 exclusively toward the first federal complaint, are those true  
25 statements?

087DRhe2

Lask - Direct

1 A. Not true. Those were not true statements.

2 Q. And how do you know those were not true statements?

3 A. Because looking at the bills themselves, the actual  
4 billing, you know, that the client ultimately receives, which  
5 is what she received, so many times it talks about Referee  
6 Burnett, who has nothing to do with the federal case; it talks  
7 about complaints about Referee Burnett. That's state work. It  
8 talks about the Article 78. I refer to it, and many lawyers  
9 do, as a complaint, because it is a complaint. It's in the  
10 form of a complaint. It's verified by the client. So I refer  
11 to it as a complaint.

12 Q. So in the course of your normal business, you kept a  
13 separate calendar with underlying billing for your practice; is  
14 that correct?

15 A. Of course. Yes, of course.

16 Q. Is that what we're looking at right here?

17 A. That's the start of it for the relevant period.

18 Q. And can you tell us how those entries were put into your  
19 calendar?

20 A. How they ended up -- oh, on this?

21 Q. On that.

22 A. Where are these entries from? From my entire career and up  
23 until even the time of this, when I do a case, I open up a  
24 calendar on my computer, and as I'm working on the case, I'll  
25 put in like, okay, I'm drafting a complaint, one hour. Like

087DRhe2

Lask - Direct

1 1.0 is an hour. I got a telephone call from a judge, it took  
2 six minutes. That translates to .10 of an hour. So when I'm  
3 doing -- I refer to this personally as my underlying bill, but  
4 not everything from here goes to the final bill.

5 But that's what -- to answer your question, I open up  
6 a calendar and it's pretty much simultaneous. Sometimes at  
7 best it's the end of the day, because I'm a lawyer, I'm doing  
8 so many things. As she even testified, there's a lot going on.  
9 And she's not my only client, but at the time she basically  
10 was, because it was every day working on her case. So I had my  
11 calender out simultaneously, and sometimes by the end of the  
12 day --

13 Q. So you're saying this is either contemporaneous or end of  
14 the day type entries?

15 A. Yes, because I can look on my computer and say, oh, these  
16 emails from the court -- and sometimes, as a lawyer, you say,  
17 well, I can't do it at the minute, because I was handling  
18 multiple calls, so you put down .10 for the email, six minutes.  
19 That's your minimum, reading the emails. Sometimes you could  
20 guesstimate, and after you do this for a while, you know, if  
21 you do an order for show cause, it's going to take 40 hours.

22 Now, you could basically even estimate and tell a  
23 client what something will take.

24 Q. Now, this information then gets transposed onto invoices  
25 like the invoices we've been looking at throughout the course

087DRhe2

Lask - Direct

1 of this trial, correct?

2 A. Yes. I have -- I call them bills, so if I haven't --

3 Q. Okay. So, bills, but you wouldn't in the normal course of  
4 business or your experience you wouldn't take all of this and  
5 write it in for that bill or invoice, right?

6 A. You don't have to as an attorney. You basically, you know,  
7 if you're doing something like research, a lot of times you put  
8 research for that day, and you put the amount of hours spent.  
9 I mean, research could take seven hours, take eight. It could  
10 take five, depending -- it could take one hour. But to put all  
11 this in a bill to the client, it would be monstrous.

12 I mean, this document, I recall, was like 13 pages  
13 just for a short period of time. But, yes, and the client  
14 basically knows what's happening, because they're working with  
15 you, and they know, okay, that day we went to family court.  
16 You look at the end result, bill, and you'll see, you know,  
17 travel to attend court. That's how I shorten it, one hour, two  
18 hours.

19 Q. So I would like to look at the first entry, which I'm going  
20 to say is 10/24, the relevant time period.

21 A. Sure.

22 Q. And first I want to show you Exhibit Four.

23 And what does it say there under 10/24?

24 A. R/R is a common abbreviation, receipt review C emails. C  
25 means client. So receipt review client email.

087DRhe2

Lask - Direct

1 C-o-n-f is obviously conference, C, with client.

2 Begin drafting fed, complaint; T conferences with client.

3 Q. Okay. Looking at Exhibit Six again, can you look at the  
4 entry for October 24 and explain to the jury what we're looking  
5 at here?

6 A. October 24 is more detailed, because a lot of times in a  
7 detailed bill I'll write notes, what client is saying or doing,  
8 so I can refer to this later, or even if the client has  
9 questions to review. But that's her emails. That says, Karn  
10 fam, that means family court, state court. Receipt review long  
11 emails at 4:00 a.m. I worked non-stop with her. And she was  
12 basically calling the court a kangaroo court.

13 And then Ken is her husband. He's a schmuck, she was  
14 very upset. T-C custody issue, state custody issue, review  
15 family court file, forensics, 2011 forensics is very detailed,  
16 reports in family court about the court will hire an expert to  
17 go to Ms. Karn's home and her husband's home and give a report  
18 and review about what is happening there. So that took about  
19 an hour.

20 Pull info from file to draft complaint. That's an  
21 hour and ten -- an hour and six minutes, 1.10. .10 means six  
22 minutes.

23 And just going on, it's all state, phone calls with  
24 client regarding forensics, and begin drafting federal  
25 complaint was .50. It's just a bunch of state and federal work

087DRhe2

Lask - Direct

1 that were all inextricably interrelated. So if I was working  
2 with state court -- that's what it says. If I was working with  
3 state court, there's time I was -- you know, they're the same  
4 exact issues that I was starting to draft the federal  
5 complaint.

6 Q. Can you point out to me which of those billing entries were  
7 in fact for the first federal complaint on the October 24  
8 billing?

9 A. Sure. It says pull info from file to draft complaint.

10 Meaning that's 1.10. And then at the bottom, it's begin  
11 drafting federal complaint .50. So it was a total of 1.6.

12 Q. Then switching back to Defense Exhibit Four.

13 A. Which one would you like?

14 Q. We're going right down the line. Let's go to 10/25.

15 A. And, you know, it translates it to researching civil rights  
16 cases, fee cases, Rosemary Rivieccio, and sometimes you'll see  
17 R.R. She was the law guardian, and she filed a motion, an  
18 order to show cause against -- which is an emergency motion  
19 against Ms. Karn to pay her fee. Ms. Karn refused to pay her  
20 fee, so I was looking up fee cases, how to respond to cases.

21 I was continuing drafting a complaint, conference  
22 calls with the client, receipt and review of the Rosemary  
23 Rivieccio, that is R.R., email, and then I was drafting the  
24 reply, as I said before, to Ms. Rivieccio.

25 Q. Can you look at your October 25 calendar entries --

087DRhe2

Lask - Direct

1 A. Yes.

2 Q. -- and give us an understanding of how that time breaks  
3 down, please?

4 A. Well, it was -- it says Karn/family and it says R.R.  
5 emails, R.R.'s order to show cause.

6 So that's an emergency motion that the law guardian  
7 filed against Ms. Karn, and she's seeking fees that were due  
8 from Ms. Karn.

9 I was researching civil rights cases regarding -- LG  
10 means law guardian. Rosemary Rivieccio is the law guardian  
11 appointed by the court. And I'm researching civil rights cases  
12 on that state issue, does the law guardian have a right to  
13 represent the child as she did, because one of the issues in  
14 the state case and one of Ms. Karn's complaints was how did the  
15 Court just order me to pay this law guardian.

16 And in civil rights, sometimes there are cases where  
17 state government actors which the family court is sometimes  
18 cannot force a party to part with their money. I mean, just  
19 like that.

20 Like here you pay the law guardian. You were ordered  
21 to do it. So I was looking up ways to reply to Rosemary  
22 Rivieccio she shouldn't have to pay that fee. It's a civil  
23 rights issue.

24 We're on October 25?

25 Q. Yeah.

087DRhe2

Lask - Direct

1 A. Review trans. pages .30. That's the state court I'm  
2 reviewing. I'm continuing. And various notes about Karns are  
3 in there about the state and then the Article 78, which I treat  
4 as a complaint, because it has all the markings. Some people  
5 call it a petition. I refer to it as a complaint. So Article  
6 78 --

7 Q. Can you scan through October 25 and tell me which, if any,  
8 billing was used towards work towards the first federal  
9 complaint that we have been discussing?

10 A. Zero.

11 Q. So on Ms. Karn's invoice compilation, it says that four  
12 hours were used for the federal complaint. So that's not true,  
13 right?

14 A. That's not true.

15 Q. Okay. Can you look at 10/31?

16 A. I see it.

17 Q. Okay.

18 A. It says -- oh, I apologize. If you want me to say --

19 Q. Yes.

20 A. It says, continue draft fed. complaint, and if I was doing  
21 something -- because at this time I wasn't sure if this first  
22 federal that Ms. Karn said she filed should happen. So I  
23 was -- you know, because it was the state case, and the federal  
24 case had the same civil rights issues. I was researching civil  
25 rights cases and arguing them before the family court judge.

087DRhe2

Lask - Direct

1                   So, you know, at times I would put -- well, whenever  
2 it was relevant. There wasn't that much federal complaint work  
3 going on, because I didn't want to double bill her.

4                   If I'm doing Article 78, a lot of the Article 78  
5 dropped into this federal complaint, because I wasn't billing  
6 her for this draft, so I was putting fed. before anything that  
7 had to do with federal at this point. I wasn't -- so that's  
8 the explanation what October 31 is.

9 Q. Can you look at the calendar entry for October 31 and tell  
10 us what monies were used -- or I should say what hours were  
11 used towards what work?

12 A. Well, that -- my calendar shows four hours for the Article  
13 78 that I was charging her for the Article 78, and when it says  
14 transpose info, I basically was cutting and pasting the  
15 information from the Article 78, which were facts, facts of her  
16 long case of two years, and up until I was there, it was two  
17 and a half years by that point, and transpose means basically  
18 you cut and paste. And I was looking to see what the draft  
19 federal would look like, you know.

20                   So I'm not going to charge her four hours for the  
21 Article 78 and then four hours for drafting the federal  
22 complaint, because I was working on the Article 78 and cutting  
23 and pasting.

24 Q. So for that date, they say that five hours were used.

25                   Can you tell us what amount of time was used from that

087DRhe2

Lask - Direct

1 date towards the federal complaint?

2 A. The transpose information was .30, or cut and paste.

3 (Continued on next page)

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0873RHE2

Lask - Direct

1 Q. Do you see an entry for cross motion there?

2 A. You mean November 1st, 2012?

3 Q. No. On October 31, it says cross motion simultaneously.

4 A. Yes, it does. I was working on other things, that's right.

5 It was the Article 78, the appeal, and I was drafting a cross  
6 motion to Rosemary Rivieccio, the law guardian's emergency  
7 motion for her fees that Ms. Karn refused to pay.

8 Q. So the federal case is not filed at this point, right?

9 A. No, not at all.

10 Q. There is no way a cross motion could be attributed to the  
11 federal complaint, right?

12 A. No. Nothing even --

13 Q. Impossibility?

14 A. Impossible.

15 Q. The next entry that they point to is 11/2.

16 A. It says research issues, 1.25, that's one hour and .25  
17 means 15 minutes. So I was researching for an hour and 15  
18 minutes.

19 Q. Can you look at November 2nd on your calendar billing.

20 Maybe that will help you explain a little better about what you  
21 were researching.

22 A. That bill that you just pulled up it says research. It  
23 doesn't say fed research. It says research. I was working  
24 primarily and only really on the family court and trying to  
25 figure out, as I testified before, we were talking about and

0873RHE2

Lask - Direct

1 she had testified maybe doing a federal complaint.

2 So, on November 2, I was researching issues regarding  
3 the change of custody that had happened to her. I was pulling  
4 and reviewing actually the case was *Rodger v. Samantha* I have  
5 in there the First Department, and that literally translates,  
6 that *Rodger v. Samantha* is in my Article 78 state filing. That  
7 state complaint that I referred to. I was researching New  
8 York -- NY JUD means New York Judiciary law. That's state  
9 cases. Re Karns contempt. There were contempt orders and  
10 issues against her. And none of that was to the federal.

11 Q. Nothing at all?

12 A. Nothing.

13 Q. Zero for 11/02?

14 A. *Rodger v. Samantha*, that is a First Department case. From  
15 what I recall, that had to do with civil rights cases in a  
16 state case. And that's what I was arguing to the state judge  
17 Referee Burnett.

18 Q. We're going to move to November 6.

19 A. Okay. I see it.

20 Q. So for November 6, the plaintiff summary lists six hours of  
21 work towards the federal complaint.

22 A. Right. And --

23 Q. Now, I am going to show you the calendar entries so you  
24 can --

25 A. Well --

0873RHE2

Lask - Direct

1 Q. 11/6 what does it say in the entry there on the invoice?

2 A. It says draft fed complaint. Fed -- the word fed in there,  
3 so I was trying my best because they were so inextricably  
4 intertwined, the state and the federal issues to separate, you  
5 know, when I was doing the federal complaint, not the Article  
6 78 state issue or the appeal also had the civil rights  
7 constitutional issues. And then after that, it just says  
8 research/review cases. Six hours.

9 Q. Can you take a look at your calendar entry for November 6.

10 A. So November 6 says Karns/fam, which is family law draft  
11 federal complaint. I put fed in there at that point even  
12 though it says family, I was trying to put in whatever little  
13 time that was in there with the Article 78 simultaneously. So  
14 that to me was a family, you know, a state issue. .70 research  
15 review cases for Article 78. I add the research I was doing in  
16 the First Department. It says *Rodger v. Samantha*, that's First  
17 Department is New York State appellate court. And also another  
18 case I found *Quinn v. Sherry*. FCA means Family Court Act.  
19 205.14. It cites to a state statute. About 90 days.

20 And what that means is there was a Family Court Act  
21 and there still is that directs, that's the section that I  
22 found that a custody case in the state court must end in 90  
23 days. So when I found, that's a big problem when hers was  
24 already 2 years that I'm fighting. Now I'm hired and I'm  
25 fighting for her and making the case that you're way past your

0873RHE2

Lask - Direct

1 90 days, it violates her federal rights, her due process to the  
2 state court.

3 And then I say re R-E means regarding and I'm  
4 reviewing various orders of the state court to do that work.

5 Q. So looking through the November 6 entry, how much time was  
6 billed towards the federal complaint?

7 A. None was filed towards the federal complaint. Was I  
8 drafting the federal complaint simultaneously with Article 78?  
9 There's a .20. I don't consider that. If you want to add it,  
10 go ahead. But to me there was nothing directly attributed to  
11 the federal complaint.

12 Q. Next date is November 7.

13 A. I see it.

14 Q. And what does it say in the line in the invoice?

15 A. It says continue federal complaint research. Three hours.

16 Q. Do you see your November 7 entry for your calendar entry?

17 A. Yes, I do.

18 Q. Can you explain the breakdown in that entry.

19 A. It was family, I was attributing it to the family court.

20 I'm doing the federal complaint, I'm cutting and pasting, I was  
21 doing research, cutting and pasting from the Article 78, so .40  
22 was cutting and pasting for the federal complaint, and I was  
23 researching more procedures in cases where the Article 78, 2.60  
24 was going to the Article 78.

25 Q. So, how much time was directly billed to the federal

0873RHE2

Lask - Direct

1 complaint?

2 A. I mean, for the cutting and pasting, .40. If it says  
3 federal complaint, I am going to say that was federal  
4 complaint.

5 Q. Go to the next entry date that the plaintiffs have listed  
6 which is November 13.

7 A. Okay.

8 Q. You see that at the top there?

9 A. Yes, I do. It says, I'm sorry, conference C, that means  
10 conference with the client. Psych means there was a  
11 psychologist ordered by the family court for Ms. Karn and the  
12 child. Ref stip, most likely means the Referee Burnett we made  
13 a stipulation in the state court. Receipt review transcripts  
14 of August 10. When I was counsel back then. Research  
15 constitutional cases, revise complaint.

16 Q. November 13 has a pretty large entry. Can you just read  
17 that to yourself and then summarize it for us.

18 A. Sure.

19 Q. November 13 we just talked about.

20 A. Sure. It is basically family court stuff. Ms. Karn is  
21 sending me her own self-research about shame of New York  
22 regarding New York divorce courts, she's writing me e-mails  
23 about the psychiatrist. Explanations of the forensics, there  
24 was a Dr. Ravitz that was involved in the state court. It is  
25 all state courts, psychiatrist stuff, all state court. There

0873RHE2

Lask - Direct

1 was nothing, there was no federal issue or nothing like this  
2 had anything to do with a federal matter. I researched  
3 constitutional cases. It ends for appeal article petition.  
4 That's the Article 78. Sometimes I referred to it as a  
5 petition. It is complaint. Mostly complaint. Revises  
6 complaint Article 78.

7 Q. So, when Ms. Karn testified this was three-and-a-half hours  
8 all paid towards federal work, that's actually not true, right?

9 A. No, that's not correct. I mean, that was, she knows what  
10 she was sending me that day and the e-mail and she knows what  
11 calls were with the forensics. I'm having consultations with  
12 her that this shows.

13 Q. But again, work that you were doing for the Article 78 was  
14 also helping you for the federal work, but you weren't charging  
15 for both of them side by side; is that right?

16 A. Well, yes, let me explain. The work for the Article 78  
17 ended up dropping into -- like I said, it was a cut and paste.  
18 The whole entire case was a civil rights case basically from  
19 the start.

20 She, you know, when there is a custody case, family  
21 court custody case, and a court takes away your child, there  
22 are United States federal cases. One of them is *Troxel*. If  
23 you are a family court lawyer, you know it. And the first  
24 thing you say is, holy crap, it's 90 days and they're keeping  
25 this woman away from her child for 2 years already.

0873RHE2

Lask - Direct

1                   And then I come into the picture, you know with that,  
2 that was my position. Way too long. There is a state statute  
3 90 days, finish this custody, Referee Burnett. It was 2 years  
4 when Ms. Karn came to me.

5                   So I was making the -- they were intertwined. So if I  
6 am doing an Article 78, and an Article 78, by the way, is a  
7 petition or a complaint. It says Article 78 petition, but it  
8 is an actual complaint that the client verifies, which  
9 yesterday she said that was her signature at the bottom, just  
10 like a verified complaint. It is an initial starting document  
11 sent to a higher court which I think that went to the First  
12 Appellate Court. She testified it was filed, that the  
13 appellate court has to say to the state court judge, enough  
14 already.

15                  You know, I'm fighting for her and I did the Article  
16 78 with all the constitutional issues and what it was seeking  
17 was for the higher court to tell Referee Burnett enough. There  
18 is a statute, there is a child, there is a statute of 90 days.  
19 End it. There's a child involved. She can't see that child.  
20 You are doing contempt order after contempt order and my  
21 position was, and Ms. Karn said it too, the Court wasn't  
22 letting her see her child.

23                  So I'm fighting for her every which way. And an  
24 Article 78 had the civil rights issues. I'm not going to  
25 double charge her.

0873RHE2

Lask - Direct

1                   So when I was doing this work, I had like a lot of  
2 times when I work, I have three screens open. Okay. And it's  
3 not that I'm multitasking as much as I am being efficient, so I  
4 have one screen open and maybe it's my research, I am looking  
5 up I'm reading case law. Like civil rights case law. I have  
6 another screen open, it was the Article 78, I'm drafting it.  
7 And just so I don't double charge her, and I try to be as  
8 efficient as possible, which is what I am, I look at -- I have  
9 the third screen open, and as I'm writing it, I'm looking and  
10 seeing what will this federal complaint look like.

11                   She said she wanted it, she said from the beginning  
12 she wanted to -- we were discussing it. So, I was dropping it  
13 into a federal complaint, same facts, same law, but, you know,  
14 different courts. Different, also different relief. Article  
15 78 says hey, state court, state higher court, appellate court,  
16 tell the family court custody judge move. Do something.  
17 That's what an Article 78.

18                   Federal complaint, when I say wanted to see what it  
19 looks like, you're taking those facts, you are dropping it into  
20 a federal complaint, but a whole different request. Asking the  
21 federal court will you get involved here because the state  
22 court won't listen to her constitutional issues and we all have  
23 due process rights. And when something takes too long, at some  
24 point, you have to go to a higher place.

25 Q. Go back to Defense Exhibit 4. The next date they list for

0873RHE2

Lask - Direct

1 work for the federal complaint is November 19. Can you look at  
2 that line.

3 A. Yes, revised complaint e-mailings to R.R. It doesn't say  
4 federal in there. .25 means 15 minutes.

5 Q. The 19th is at the very bottom there in your calendar  
6 entry. What does that say?

7 A. Revising the Article 78 complaint. E-mails to R.R.,  
8 Rosemary Rivieccio, the attorney for the child regarding her  
9 order to show cause, that's an emergency motion that I talked  
10 about before in the state family court case. That  
11 Ms. Rivieccio was seeking her fees that Ms. Karn refused to  
12 pay.

13 Q. So in November 19, is there any billing that we should put  
14 in for federal work?

15 A. No, zero.

16 Q. Their next entry is 11/28. Can you read 11/28?

17 A. Continue complaint which is the receipt review e-mails.  
18 With Sarah pics. Sarah was the child and Ms. Karn was  
19 following Sarah and her husband during their visitations  
20 against court orders and taking pictures of them crossing the  
21 street and trying to make a case of, look, my ex-husband or  
22 my -- he was still her husband at the time but they were in  
23 divorce proceedings -- look, he has child and they're fare  
24 beating. They were jumping the turnstiles. And that ended up  
25 another motion that I had to file for her. It was one of the

0873RHE2

Lask - Direct

1 issues. So those are the pictures that I'm referring to. She  
2 sent them to me.

3 Q. You see November 28 entry?

4 A. Yes, I do.

5 Q. On your detailed billing?

6 A. On the underlying I call it -- yes, detailed underlying  
7 billing, yes.

8 Q. Can you explain what's going on there?

9 A. November 28?

10 Q. Correct.

11 A. Oh. Okay. That's what I was talking about previously.  
12 Article 78 appeal issue, I was working on the beginning to do  
13 an appeal for her, one hour.

14 And then I'm talking about the numerous pictures  
15 again. New York City streets where see client stalks, is  
16 stalking Ken and Sarah. Because that was a big issue they  
17 made, the husband made when he found she was doing it. She was  
18 following them during their private visitation period.

19 Conference with the client re issue. This is all  
20 custody. E-mail from the client, you know, and I put details  
21 so I remember, because when things are going real fast, I put  
22 in her e-mail I got great footage, same deal including  
23 sneaking -- the turnstile she's talking about. Then I got  
24 another e-mail from her later about a school party and she  
25 complains Ken -- is her -- was her husband at the time, he

0873RHE2

Lask - Direct

1 didn't attend.

2 Q. So, for the 28th of November, is there any billing that we  
3 need to add to our tally for the federal work?

4 A. No. It's all state. State issues.

5 Q. The next date on their list is November 29?

6 A. Yes.

7 Q. There are two entries for November 29, so please look at  
8 both of them and tell us what is written there.

9 A. I was continuing filing the complaint and actually now,  
10 probably continuing with the Article 78. It doesn't say fed in  
11 here. It was all about Sarah and Ms. Karn taking pictures of  
12 her husband and Sarah during their private visitation time.  
13 And then the second entry is receipt and review R.R. Rosemary  
14 Rivieccio e-mail, she was complaining that Ms. Karn was  
15 stalking them, the husband and the child, and Rosemary  
16 Rivieccio has the child's interests that when the child is with  
17 the husband, you, you know, it's his visitation time. The  
18 mother's not allowed to violate the order.

19 Then I am having conferences with Ms. Karn. That's  
20 TC. Telling her, like, you need to stop it. And we're talking  
21 about adjourning a court date and I'm receiving e-mails from --  
22 e-mails about Ken pictures. She's sending me more pictures,  
23 .25. None of it has to do with the federal.

24 Q. Just to be certain, can you look at your detailed  
25 underlying for November 29.

0873RHE2

Lask - Direct

1 A. Oh.

2 Q. You don't have to go into a long explanation. Just give us  
3 a general understanding, and if there is any federal billing in  
4 there. Take your time on that. We don't want to get anything  
5 wrong.

6 A. Right. You know, it's talking about all that. And there I  
7 was transposing, I was still working on the Article 78 and  
8 doing a summons for the Article 78. Like I said, in every  
9 complaint has a summons. So I referred to it as a complaint.  
10 And I'm transposing federal docs for filing. I'm not actually  
11 sure but .10. Federal is there so .10.

12 Q. So 11/29 .10?

13 A. Okay.

14 Q. The next date they list in their compilation is 12/2?

15 A. Okay.

16 Q. You see a line for 12/2 there?

17 A. Yes, I do. I remember that one very well. It says  
18 continue complaint. Again, I'm continuing probably the Article  
19 78, but there were other complaints coming up at that time. So  
20 I might have just said continued complaint. She had complaints  
21 against Referee Burnett.

22 Review commission report. Four hours. the commission  
23 report is the state matrimonial commission that the State of  
24 New York organized I think it was around 2005. I'm very  
25 familiar with it because this is my field. And that commission

0873RHE2

Lask - Direct

1 was organized because the family court was found to be broken  
2 by the state. Everyone's complaining. We can't see our  
3 children. It's more than 90 days, it is taking 2 years or  
4 years. I have a case that's 5 years. And you fight and  
5 fight.

6 So the state issued a commission and that family  
7 report, the matrimonial commission that was organized gave a  
8 report of everything that was wrong with the -- what do you  
9 call it -- with the family court. Same stuff I was complaining  
10 about. Trying to help Ms. Karn. And the same stuff that ended  
11 up in the Article 78 as well as what was transposed into the  
12 federal complaint later. It was very relevant.

13 Q. Do you see your entry in your underlying for 12/2 of '12?

14 A. Yes, I do.

15 Q. That's --

16 A. Yes.

17 Q. Summarizes everything you just told us, it mentions review  
18 digest the 70-page matrimonial report, correct?

19 A. Yes.

20 Q. Is any of that billing for 12/2 entered as work done for  
21 the federal complaint?

22 A. No. There is nothing to do -- well, no. It was a  
23 matrimonial commission report and was argued in the Article 78.

24 Q. The next date listed is 12/6.

25 A. Okay. So again --

0873RHE2

Lask - Direct

1 Q. Take a look at that and explain what's going on there.

2 There's two entries for 12/6. I'm sorry. Yes, there's two  
3 entries for 12/6 so just take a quick look at that both of  
4 them.

5 A. So it's pretty clear these are telephone calls and receipt  
6 and review e-mails from the client. Receiving e-mails from the  
7 attorneys on the state case. Because there was no federal,  
8 ever, you know, there is no attorneys no nothing -- the federal  
9 wasn't even filed. Receipt review CSW. There was a certified  
10 social worker Ms. Karn was ordered after all that stalking and  
11 everything therapeutic visitation only with her child, meaning  
12 a certified social worker would have to give a report and then  
13 attend court via -- so there was a conference with Referee  
14 Burnett, it was a court appearance by phone. That was 1.5 or  
15 an hour and a half.

16 And then the second 12/6, what was happening is here  
17 come the Referee Burnett complaints to the administrative -- I  
18 called the administrative judge secretary and asked what the  
19 procedure is, because Ms. Karn had complaints about Referee  
20 Burnett taking forever and the procedure was to make a  
21 complaint to the administrative judge. The higher judge of the  
22 family court. You know, he's way above Burnett.

23 I also appeared, let's see, appeared telephonically, I  
24 guess we continued the appearance in the state case. I was  
25 talking to the client about strategy, you know, what do we do.

0873RHE2

Lask - Direct

1 State court, federal court, what are we doing.

2 Fed case, it just says fed case. We probably talked  
3 about as we were talking about the state. And we talked about  
4 the complaint re Referee Burnett, could we get her removed.  
5 And what about her annual review. Ms. Karn was telling me they  
6 get an annual review, you know, and I wanted to look into that  
7 as well.

8 Q. So the two entries for 12/6, how much, if any, time was  
9 billed towards the federal complaint?

10 A. Zero. It was all state work.

11 Q. You see 12/2 on the underlying?

12 A. Yes, I do.

13 Q. Is anything there different from what we just talked about?

14 A. 12/2/2012?

15 Q. 12/6 I apologize.

16 A. Okay.

17 Q. This is also very detailed, so you don't have to go through  
18 all of it. But, read it to yourself and give us a general  
19 understanding of what's happening on those two December 6  
20 entries.

21 A. Well, because of the therapeutic and the certified social  
22 worker court orders from Referee Burnett, against Ms. Karn,  
23 they issued a report, Ms. Karn was washing her child's hair  
24 during her therapeutic visitation, and they complained about  
25 that, the social worker and the Court, they said she shouldn't

0873RHE2

Lask - Direct

1 have been getting so involved with washing her hair. And  
2 frankly, I even thought that was crazy. And I was, you know,  
3 I'd said it's crazy, this is enough. You know, now she can't  
4 wash her own child's hair? I see where they were coming from  
5 but it was enough already. And that's what this is about. And  
6 I was going back and forth and then it says receipt review  
7 Ornstein report on the visit. The therapeutic CSW, the  
8 certified social worker will give a report, and that's what I  
9 was reviewing. So none of it is federal.

10 Q. The next date they list is December 9.

11 A. Okay.

12 Q. Just generally tell us what that is.

13 A. I'm revising a complaint. It's not federal. I'm  
14 researching nationwide complaints regarding family court, how  
15 do I complain about this family court Referee Burnett.

16 Q. On the underlying --

17 A. What date was it again?

18 Q. 12/9.

19 A. Okay. So, in summary, what's going on here is, yeah, I'm  
20 talking about the child's constitutional rights in the state  
21 court, like now what's happening, they are not letting the  
22 child see the mother because she's washing her hair during  
23 visit. I'm researching and it says I sent her an e-mail. I'm  
24 researching law guardian rules which the law guardians,  
25 Rosemary Rivieccio who is the law guardian appointed by the

0873RHE2

Lask - Direct

1 court, there are rules, a huge set of laws that they have to  
2 follow. And one of our other complaints was the law guardian  
3 was not following the rules. She wasn't out for the best  
4 interests of the child, and that's what I was reading there, a  
5 rule book I'm talking about.

6 I'm doing some constitutional issues. It says  
7 research federal cases. And then the client, you know,  
8 e-mailed, re draft long e-mail. I'm sending her long e-mails  
9 about Dr. Michelle, that's state. That's another psychiatrist  
10 that was involved in the case. And then I'm revising the  
11 complaint for the administrative judge. Earlier I had said I  
12 called the secretary to find out what to do about Burnett. And  
13 researching issues regarding Burnett, to write that letter.

14 Q. For this entry, the plaintiffs listed .25 hours. Do you  
15 see the .25 hours for federal work inside of that underlying  
16 billing?

17 A. No, I do not.

18 Q. Maybe it is the .2 where it says Karn fam federal research.  
19 Is that possible?

20 A. Yes, it does say the word fed. Karn fam fed. So I am  
21 working on the family and the federal simultaneously. I'm  
22 researching cases for family court constitutional issues, I put  
23 fed. Meaning I was -- constitutional issues are federal  
24 issues. There are also state, the state has a Constitution,  
25 every state has one, too.

0873RHE2

Lask - Direct

1 Q. Would that be zero or .25?

2 A. Zero. Oh. Are we looking -- I didn't look all the way  
3 down. December 9 it would be zero. It was all intertwined.

4 Q. The next entry on the Plaintiff's Exhibit is 12/10.

5 A. Okay, I see it.

6 Q. There are two 12/10s. Quickly look at that and we'll  
7 switch to the underlying and get a better understanding of  
8 those two entries.

9 A. I'm receiving e-mails from the client, there's pictures I  
10 am reviewing. She took some more pictures. I'm reviewing the  
11 file and revising the complaint, probably the Burnett complaint  
12 at that point. You know. And then 12/10, receipt and review  
13 client more e-mails. And I'm continuing one of the complaints  
14 in the state case.

15 Q. You see the double entry in the underlying for December 10?

16 A. Yes.

17 Q. Give us a general understanding of what's going on there?

18 A. It is family court stuff. It says that the client Ms. Karn  
19 sent me e-mails from December 9, with her own self-research for  
20 federal cases in the family court. She would do a lot of her  
21 own research or dictating saying read this, read that.

22 Yesterday she testified that she did do research.

23 And just order to show cause custody family court  
24 strategy. Reviewing her pictures regarding the subway.  
25 Because I had to file a motion in return. And I'm continuing

0873RHE2

Lask - Direct

1 the complaint now I am working on, you know, the Referee  
2 Burnett complaint and the Article 78 simultaneously.

3 The second December 10 I'm continuing the Article 78  
4 the Burnett complaint revisions, Referee Burnett, and I'm  
5 working on an appeal now. I'm trying to find every which way  
6 legally and go through the process that we're supposed to, to  
7 exhaust all remedies for this woman.

8 Q. We'll look at it later. Is that the appeal to the First  
9 Department, do I have that?

10 A. Correct. That ultimately got filed I think some time in  
11 January during the relevant period here, or at least I was  
12 working on it during that whole relevant period. I recall it  
13 was January or February that appeal was filed.

14 Q. So in, that listing for the December 10 dates, do we have  
15 any hours for the federal to add to the tally?

16 A. I don't see any, no.

17 Q. The next date listed in the plaintiff's tally is 12/15.  
18 Can you look at that line, take a quick look at it and we'll go  
19 to the underlying so we can discuss it deeper.

20 A. 12/15 research cases on civil rights. 1983 and 1985. 1983  
21 is a civil rights case that, meaning due process, 1983 means  
22 everyone has due process and substantive rights in our court  
23 system to have a fair trial, quickly, immediately, and not, you  
24 know, going on for two-and-a-half years. Ultimately hers was  
25 four. And that's what I was researching. 1985 is part of 1983

0873RHE2

Lask - Direct

1 statute, federal statutes.

2 Q. So again, they're federal statutes, but that doesn't  
3 necessarily mean it's going towards the federal complaint. It  
4 could at some point, but for this research you're trying to  
5 understand?

6 A. I am arguing it in front of Referee Burnett in the state  
7 court. I'm not going to charge the client as I am -- I could  
8 have taken that and double billed her and said let's say it is  
9 the federal complaint too. I was focusing on a state court  
10 case.

11 Q. So for December 15, zero?

12 A. December 15? Yes. Zero. Yes. I see it, yes. Zero.

13 Q. The next date is 12/17.

14 A. I see it.

15 Q. Again, these are all dates and billing that Ms. Karn  
16 testified to and she attributed essentially every hour of all  
17 of these entries to the work on the federal complaint. Do you  
18 remember that testimony?

19 A. Yes, I do.

20 Q. So, take a look at 12/17 see what you wrote in there and  
21 then we'll go to the underlying and we'll dig a little deeper  
22 on that as well.

23 A. So looking at 12/17, it is impossible to say all that was a  
24 federal complaint because I'm researching the psych issues.  
25 I'm having conferences with the client re the clerk that I

0873RHE2

Lask - Direct

1 called for the family court. And the client wants the custody  
2 transferred now to another judge. And Judge Drager is that  
3 other case I was working on her as well. Judge Drager is a New  
4 York Supreme Court judge, totally different court, and that  
5 divorce case which was before Judge Drager was going on  
6 simultaneous.

7 Q. So, now I'm showing you the underlying billing for that  
8 date. 12/17.

9 A. Yeah.

10 Q. Again, we don't need to go in great detail, but it is a  
11 long entry so maybe just summarize for us.

12 A. I will say there are many times I didn't charge her for all  
13 the time. You'll see long entries for this. I don't hit them  
14 with every .10, .25. It doesn't end up in the final bill. So  
15 this entry is receiving her self-research, here she's saying I  
16 copied -- sorry for sending you more stuff. These are two  
17 articles which completely outline that Dr. B -- that's  
18 Dr. Brandt the psychiatrist in her case -- is liable. So she's  
19 telling me how to file a case against one of the people in one  
20 of the parties in the state court case and she's saying very  
21 complicated words but she understood it. No immunity, it's  
22 changed, Dr. B needs to be sued for tort. Okay, she knows what  
23 tort is. But also she should lose her license, no person like  
24 this should be evaluating and treating others. That's what she  
25 wrote.

0873RHE2

Lask - Direct

1                   MR. LONERGAN: I really have to object. This  
2 document, I understand has been admitted to evidence and it is  
3 being brought in for its truth. However, the witness is  
4 embellishing now what this document says and saying what the  
5 plaintiff meant, and what she was really saying. And so that's  
6 not what this document says.

7                   If we are going to bring in this complaint, a  
8 self-serving hearsay document, let's adhere to it and let's not  
9 go much beyond what is just on absolutely uncorroborated  
10 statements.

11                  So I am going to have to object. I've been sitting  
12 here listening to it, but enough is enough. This document, as  
13 self-serving as it is, we need to reel that in a little bit. I  
14 am going to object to any statements by this witness that go  
15 beyond the content of this document.

16                  THE COURT: That's overruled to the extent you've said  
17 it that broadly.

18                  The witness clearly is adding things to explain what's  
19 going on from her perspective in and around the entries in the  
20 document. If there are individual objections because certain  
21 things are speculative or whatever, you can make those  
22 objections. But, as long as it's clear that much of what she's  
23 saying isn't specifically in the document, which the jury can  
24 see for themselves, and she is allowed to testify about what  
25 she recalls she was doing.

0873RHE2

Lask - Direct

1                   MR. FERRANTE: I'm more than halfway done. These are  
2 just the entries they did on their case. And I just want to  
3 make sure we get through all of them.

4                   THE COURT: I would ask you to tailor your answers a  
5 little more.

6                   THE WITNESS: I'll try and expedite it. You get  
7 passionate.

8 Q. So, for 12/17, just scan it real quick and tell me, is  
9 there any billing, any of those numbers that go directly to  
10 work for the filing, which I will point your attention to  
11 towards the bottom, it does say transpose to S.D.N.Y. filing  
12 documents?

13 A. Yes, I saw that.

14 Q. Would that be work for the federal complaint?

15 A. Yes, the S.D.N.Y. I was transposing information from the  
16 summons of the Article 78 into the potential -- S.D.N.Y. means  
17 Southern District of New York where we are all sitting right  
18 now, and it is a federal court, and I was -- you know, a  
19 complaint in the federal court would need a summons, so I was  
20 taking the parties from the Article 78 as well and transposing  
21 issues into the Southern District summons. The summons is just  
22 a one-page document.

23 Q. That would be the --

24 A. You could --

25 Q. The .20 we are looking at there on the screen?

0873RHE2

Lask - Direct

1 A. Yeah, that was a .20.

2 Q. Okay. The next date is the 12/20. Should be right there  
3 in the middle of the page.

4 A. I see it.

5 Q. You see that line?

6 A. Yes.

7 Q. So it says revise and research cases?

8 A. Yes. It could have been anything in general. I mean,  
9 again, I'm -- yes, it says that a general statement.

10 Q. So looking at your December 20 entry on the underlying just  
11 quickly, what is it you're working on there?

12 A. Now I'm working on the order to show cause that Ms. Karn  
13 wanted to bring against the husband and I think Rosemary  
14 Rivieccio, the law guardian, from what I recall. Because she  
15 was trying to get Rosemary Rivieccio off the case. That's the  
16 order to show, Article 78 transcript, that's obviously state.  
17 Nothing ever happened in that first federal filing. It was  
18 immediately withdrawn. Oh it says I am reviewing family court  
19 transcript.

20 Q. December 20?

21 A. Zero.

22 Q. Next entry they listed on their running tally was 12/21.  
23 Do you see that there?

24 A. Yes, I do.

25 Q. So it's finish complaint, civil cover sheets, and summons,

0873RHE2

Lask - Direct

1 right?

2 A. Hmm-hmm.

3 Q. Can you look at 12/20 on the underlying.

4 A. Yes, I see it. To be expeditious, it was just state court  
5 transcripts I'm talking about, family court transcripts. I'm  
6 revising the state court Article 78. I'm researching cases for  
7 the order to show cause.

8 It is all state, zero to federal.

9 Q. The next entry is 12/22.

10 A. I see it.

11 Q. You see that there?

12 A. Hmm-hmm, yes.

13 Q. And it says draft service docs e-mails see R.R. see e-mail  
14 re file docs. We'll take you to the itemized, to the  
15 underlying.

16 A. I mean, I was only charging for -- I'm sorry.

17 Q. Can you see December 22 there at the bottom?

18 A. Yes, I do.

19 Q. Just very, very briefly, what do we have going on, on that  
20 date?21 A. It's around Christmas, I'm -- there's e-mails between her  
22 and Ken, they're fighting over custody, you know, visitation  
23 during Christmas. And I'm drafting service docs for the order  
24 to show cause. You have to have proof of service when you do a  
25 motion for a state court case. It's just family court stuff,

0873RHE2

Lask - Direct

1 I'm, that's all I'm charging for is family court. OTSC is the  
2 order to show cause and I'm preparing for a January 15  
3 appearance that was scheduled in the state family court.

4 Q. Do you see anything there in the underlying that would be  
5 billing for the federal complaint?

6 A. I didn't charge for anything for the federal in that.

7 MR. FERRANTE: Your Honor, I know we are in the 12  
8 something range. Would you like me to stop? Would you like me  
9 to continue?

10 THE COURT: I'd like you to continue a bit. It is  
11 12:15. I'll tell you when. Within a half hour. Let's see if  
12 we can get through these entries. Maybe do them in streamline  
13 fashion.

14 Q. The next date they list is 12/23.

15 A. I see it. And do you have a question?

16 Q. Yeah. Just read it real quick and we'll go to the  
17 underlying so we can speed it up as best as possible.

18 A. Right. Receiving e-mails from her about Christmas, and  
19 talking about the federal complaint for the past three days.  
20 And I'm drafting the response, obviously to the state court on  
21 whatever motions were available because there was nothing to  
22 draft a response to, there was no federal, .25, that's it,  
23 which is 15 minutes of time.

24 Q. Again, just quickly look at the December 23 entry. Just  
25 give us a real brief description of what's happening there.

0873RHE2

Lask - Direct

1 A. Just she's complaining about the state court -- I'm sorry,  
2 I mean the Christmas holidays just as the underlying bill said.  
3 She's talking about the turnstiles again. She's saying that  
4 the child's under negligent care and then she's talking about  
5 her contacting CPS. So just everyone understands, CPS is child  
6 protective services. You know, Ms. Karn wanted to get involved  
7 with them. That's according to this. And she's saying that  
8 she should be held in contempt and there is nothing in here  
9 that I see is federal.

10 THE COURT: Then why in the billing entry for 12/23  
11 does it refer to the federal complaint if there is nothing your  
12 more detailed notes about it?

13 MR. FERRANTE: It said you were speaking with your  
14 client about the federal complaint.

15 THE WITNESS: You mean in the regular bill? 12/23.

16 THE COURT: 12/23 refers to the fed complaint.

17 THE WITNESS: Those were e-mails had. We were talking  
18 about the federal complaint but I wasn't necessarily charging  
19 her for a federal complaint. We were talking about what was  
20 happening.

21 THE COURT: Okay.

22 Q. The next date is 12/24.

23 A. I see it.

24 Q. Quickly read that and we'll go over to the itemized  
25 billing.

0873RHE2

Lask - Direct

1 A. It says federal in front of it. And I'm talking to her, I  
2 guess I got an e-mail about federal. But it also, yeah it's  
3 federal. .25.

4 Q. You see December 24 there?

5 A. Yeah, and it is a little under .25. Yes.

6 Q. So that would be around .20?

7 A. It would be .20. But again, not everything translates here  
8 at the end of the day. It took a little longer, it took a  
9 little less. But if you want to do .25, go ahead. If you want  
10 to do .20, go ahead.

11 Q. Next date listed is January 8.

12 A. I see it. There's two.

13 Q. There are two entries for January 8. They do make  
14 reference to S.D.N.Y.?

15 A. Right.

16 Q. So, we'll go to the underlying and take a look at that?

17 MR. LONERGAN: I'm also going to object to reference  
18 of these calendar entries as "underlying." That word is  
19 nowhere used anywhere in this document. That is another  
20 embellishment.

21 THE COURT: The objection is overruled. You can cross  
22 about that.

23 MR. FERRANTE: I can use "detailed" if you prefer. I  
24 don't even know what underlying means, so I apologize.

25 THE WITNESS: I called it underlying. You can call it

0873RHE2

Lask - Direct

1 detailed, you can call it underlying. I refer to it as  
2 underlying.

3 Q. Take a look at January 8 and tell us how much time we are  
4 putting towards the federal work.

5 A. .05 and .10. That's .15 which is basically receiving some  
6 filing, an e-mail, that's what S.D.N.Y. means.

7 Q. There are actually two 08s. Take a look at it. Looks to  
8 me like a 3 but I'm going to guess that's maybe worn out and  
9 they're both January 8, but I'm not sure?

10 A. No, it is a January 8. They're both January 8 because I'm  
11 looking at the hard copy. I don't know why this copy --

12 Q. It listed January 8 twice on theirs.

13 A. In any event, it's --

14 Q. I'll show it to you. There are two January 8s there?

15 A. Correct.

16 Q. So using this maybe go back and see how much between the  
17 two of them you put .15 on one, maybe there is more there. It  
18 does say S.D.N.Y. filing, etc.?

19 A. If you go back so I can see the underlying. So it says  
20 S.D.N.Y. filing notice, .05, and it says what I was working on  
21 a number of things including the order to show cause the state  
22 and another S.D.N.Y. filing notice. .10. The federal  
23 complaint was filed December 21 and she testified nothing  
24 happened. Except January 8, I got a notice from the court that  
25 said the complaint was there. That's it. Which is basically

0873RHE2

Lask - Direct

1 an e-mail.

2 Q. The next date on their list is January 16.

3 A. I see it. It says quick review of last four transcripts.

4 Transcripts are state. There was nothing happening, a  
5 conference with C. I need the last transcripts.

6 Q. This is 1/16 now?

7 A. 1/6?

8 Q. There's two 16s.

9 A. I'm sorry. The first one is federal. I was receiving some  
10 notices, then I had an e-mail with the client. It says .25.

11 Q. So .25 is correct?

12 A. Correct.

13 THE COURT: Mr. Ferrante, I don't think you asked with  
14 respect to January 8 what Ms. Lask attributes to the federal  
15 action of the 2.25.

16 MR. FERRANTE: For January it is .15.

17 THE COURT: Okay.

18 Q. The next entry is January 24.

19 A. I see it. There's two --

20 Q. There are two of them so please take a look at both.

21 A. As I said before, Drager is a state court judge for the  
22 divorce. I am talking to her clerk, can we consolidate the  
23 cases. There was a 9:30 appearance before Judge Drager. I'm  
24 talking to the client and I'm reviewing, and receiving C.S. is  
25 Cheryl Solomon, her e-mail, she is the state court, the

0873RHE2

Lask - Direct

1 attorney for the husband in the family court. And also I think  
2 she was on the divorce case, too.

3 The next one is conference with client. I'm talking  
4 about the federal strategy, what do you want to do. We have a  
5 strategy or not. You filed it, what do you want to do with  
6 this.

7 She also wanted libel research. I was researching  
8 libel because I recall that, I definitely recall that whole  
9 libel incident where she wanted to sue her husband and the law  
10 guardian for libel. So the client said something to me, I go  
11 and do research. She asked me --

12 THE COURT: There is -- enough.

13 Q. I want to show you January 24 now.

14 And your Honor, we're almost done. Only a few more  
15 entries.

16 January 24?

17 A. I'm looking at it.

18 Q. I am going to put -- I'm sorry. We are going down to  
19 February 1 now. We did January 24.

20 THE COURT: You didn't ask her the question though.

21 Q. For January 24, right. What amount of billing from looking  
22 at the details would be attributable to the federal?

23 A. It says conference re fed strategy we must withdraw. So  
24 we're talking the strategy. The Burnett complaints were  
25 happening, so we were talking about withdrawing --

0873RHE2

Lask - Direct

1                   THE COURT: Just give the answer, please.

2                   THE WITNESS: .05. But that's what it says and I'm  
3 explaining exactly what happened. That's the sentence. Then  
4 it goes on and talks about the libel again. And then I was  
5 researching issues with the family court. So, .05 which is six  
6 minutes.

7                   THE COURT: Are you including the libel research as  
8 part of the federal strategy or no?

9                   THE WITNESS: No. Libel is a state court action.

10                  Q. The next date listed is 2/1.

11                  A. Okay, I see it, and I'm researching regarding the federal  
12 complaint.

13                  Q. I was going to go to the detailed for you.

14                  A. I'm researching. 1.5 hours. I'm organizing files.

15                  Q. Do you see February 1 there.

16                  How much of that time is attributable to the federal  
17 tally?

18                  A. .30. We are having a discussion regarding what to do with  
19 the federal complaint.

20                  Q. Next entry is February 3.

21                  A. I see it. And February 3 is talking about pre-argument  
22 statement. That is not a federal draft.

23                  Q. I apologize. There are two February 3rds, so look at both  
24 of them.

25                  A. The first one is just state. 4.5. The second one,

0873RHE2

Lask - Direct

1 researching amending the federal complaint outline issues re  
2 amend. .25. That's all federal. I mean, you don't have to go  
3 into the underlying, it's federal.

4 Q. So .25.

5 A. Yes. I mean, you have -- okay.

6 Q. Last one they list on their tally is 2/4four.

7 A. Yes, there's two 2/4s.

8 Q. Two entries.

9 A. No, none of that is -- none of that is federal. I think  
10 what they, they missed was 2/5 which is the last date within  
11 this damage period.

12 Q. The section where it says discuss cases with Kaufman  
13 attorney re fed appeal Article 78 media. Going to the  
14 underlying so we can take a look.

15 A. No. Kaufman, I can't --

16 Q. 2/4 is a large entry. Quickly scan and tell us what we can  
17 attribute towards federal work.

18 A. Zero. This is all about a judge in state court. The  
19 family court drafting the appeal. I'm working on -- that's  
20 February 4. I see nothing there that has anything to do with  
21 federal. Discuss case with Kaufman, attorney re fed. I mean,  
22 that could -- you know, appeal Article 78. You know, there  
23 were several things happening in that one hour, I mean, the  
24 only time something fed, but again, I was arguing federal in  
25 the state court.

0873RHE2

Lask - Direct

1 I can't remember who Kaufman is. He is an attorney  
2 obviously, because I have attorney after it. I might have been  
3 conferencing with another attorney, I don't remember exactly.  
4 But, there's that one hour encompasses the Article 78, the  
5 appeal, and talking about federal issues.

6 Q. And last entry in our time frame is the February 5 entry  
7 that lists the FRCP 41 voluntary dismissal that we discussed.

8 A. That --

9 Q. That's when the federal complaint was voluntarily pulled  
10 back; is that right?

11 A. Yes, it is a one-page simple form, you just put in some  
12 names, it is a draft form. I showed it earlier. One page.  
13 You put in their names and I filed it electronically to  
14 withdraw that first filing that she filed and that ended that.  
15 That filing ended anything -- yes, okay.

16 Q. Showing you what is Defense Exhibit 2. Is that the  
17 voluntary dismissal that we're talking about?

18 A. Yes, it is a form. Same language, you use it, you know,  
19 attorneys use it whenever something happens, like if the  
20 complaint is mistakenly filed, you go and file this. As long  
21 as no litigation, no defendants answered, nothing happened, you  
22 get to voluntarily withdraw it. Mistakes happen. You  
23 withdraw.

24 Q. You discussed this with the client far before she said on  
25 her cross-examination, right?

0873RHE2

Lask - Direct

1 A. Oh, definitely. Yes.

2 Q. I don't remember exactly, but she said she didn't hear  
3 about this for a while. That's not true, is it?

4 A. No, it's not true. She also said we were in constant  
5 communication all the time. And as we can all see, I'm a  
6 talker. I love to talk. I love to explain. And no.

7 Q. And also filed on the ECF system, you see there at the top?

8 A. It was filed on the ECF.

9 Q. The ECF system is the system that attorneys use so we can  
10 file things to federal court from our computers?

11 A. Correct. All I did was get the form, put in the names,  
12 sign it with my signature, there it is and --

13 Q. This is all public information as well, right?

14 A. Yes. And I just hit a button and it's filed. If I want  
15 something filed, I am going to file it on PACER, and that's  
16 what this was.

17 MR. FERRANTE: Your Honor, I'm done with this section.  
18 Maybe now would be the right time to break before we start the  
19 next section.

20 THE COURT: Sure. Let's take lunch break. We will  
21 resume at 1:30. And I remind the jury not to discuss the case  
22 amongst yourselves.

23 Enjoy lunch and we'll see you later.

24 (Jury excused)

25 THE COURT: Are there any issues we need to talk

0873RHE2

Lask - Direct

1 about?

2 MS. LASK: I have one, your Honor.

3 THE COURT: Why don't you take a seat. And actually  
4 before you bring it up, let me ask Mr. Ferrante, maybe you'll  
5 be answering this too. How much you have left time-wise for  
6 Ms. Lask?7 MR. FERRANTE: Do you have any estimate in your mind  
8 how long that was? I lost track of time. I'm thinking maybe  
9 that was two hours. Is that about right? Maybe an hour and a  
10 half.

11 THE COURT: Maybe.

12 MR. FERRANTE: I would say about the same, probably a  
13 little bit more, because now is when we are going to compare  
14 the complaints for the jury instruction about which parts were  
15 used and which parts were not used.16 THE COURT: I ask you to do it as efficiently as we  
17 can. I would like to finish testimony today.18 MR. FERRANTE: I started thinking I was going to do a  
19 whole lot of reading and we are going to streamline that  
20 dramatically.

21 THE COURT: Then we'll have cross-examination.

22 MR. FERRANTE: Yes, yes.

23 THE COURT: What was your issue?

24 MS. LASK: My issue is your rules and you had stated  
25 to us objection, why. Objection why. And when he's giving a

0873RHE2

Lask - Direct

1 soliloquy, it's wrong. They are hearing something come from an  
2 attorney's mouth and they are doing it again on purpose. We  
3 have stuck to the rules. Objection relevance. And they're not  
4 coming -- yes, it is the judge's rules.

5 THE COURT: You've made your point. Is there any  
6 response to that?

7 I sustain that and I will ask counsel state objection.  
8 And if I want more, I'll ask you for more. Okay? Thank you.  
9 Anything else?

10 MS. LASK: One hour, your Honor?

11 THE COURT: 1:30. Thank you.

12 (Recess)

13 (Continued on next page)

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0873RHE2

Lask - Direct

1 AFTERNOON SESSION

2 2:00 p.m.

3 (In open court; jury present)

4 THE DEPUTY CLERK: All rise. Jury entering the  
5 courtroom.

6 THE COURT: All right. Welcome back from lunch.

7 Everyone can be seated.

8 Let's resume with the examination, please.

9 Ms. Lask, you can come to the bench. I remind you  
10 that you are still under oath.

11 Thank you.

12 Counsel, you may proceed.

13 MR. FERRANTE: Thank you, your Honor.

14 BY MR. FERRANTE:

15 Q. Ms. Lask, when we left off, we had just finished reviewing  
16 the billing entries that were attributed on this document that  
17 the plaintiffs had used to describe what their belief of the  
18 hours used towards federal were.

19 Do you remember that document?

20 A. Yes, I do.

21 THE COURT: For the record, it's Plaintiff's Exhibit  
22 Three.23 MR. FERRANTE: I believe that was Plaintiff's Exhibit  
24 Three, if I'm not mistaken.

25 THE COURT: Correct.

0873RHE2

Lask - Direct

1 Q. So you see there, on the right-hand side, there's the hours  
2 that they listed, and then there's the hours that we went  
3 through together, right? You see those?

4 A. Correct.

5 Q. Everybody please excuse my chicken scratch on that, but  
6 when added up, we land on 5.1 hours.

7 Do you see that at the bottom there?

8 A. Yes.

9 Q. And the rate was 650, and the amount of monies put towards  
10 the federal complaint are \$3,315?

11 A. Correct.

12 Q. You see that, right?

13 A. Yes.

14 Q. Now, when we were talking, a couple of different actions  
15 came up. One of them being an order to show cause.

16 Do you remember that? The OTSC that you had described  
17 to us?

18 A. Correct.

19 MR. FERRANTE: Your Honor, this is in the defense book  
20 listed as Exhibit 20.

21 THE COURT: All right.

22 Q. Is this the order to show cause that we were discussing?

23 A. Yes. Filed by Rosemary Rivieccio, the attorney for the law  
24 guardian.

25 THE COURT: Actually, we're looking at the affirmation

0873RHE2

Lask - Direct

1 in support of the order to show cause.

2 MR. FERRANTE: Yes. I just have it as a complete  
3 document.

4 A. There's the first page.

5 THE COURT: It's all right. I just wanted to be clear  
6 what we were talking about.

7 MR. FERRANTE: Yes.

8 Q. Just briefly, without getting into it, because we talked  
9 about it earlier, but this was the document that was being  
10 referred to that was filed by Rosemary Rivieccio. And just  
11 tell us briefly again what it involves.

12 A. That is -- put that one up. That is the order to show  
13 cause I was talking about. It was filed during the damages  
14 period that we're here for. November 2 are the dates -- oh,  
15 I'm sorry, sworn to October 24, and then it's filled in -- the  
16 handwriting is for us to come back on November 2 of 2012 to the  
17 state court. And it's basically supporting an affirmation.  
18 This is a -- well, that's the first page. The rest will tell  
19 me --

20 Q. And then comes the affirmation?

21 A. Right. So that's Rosemary Rivieccio again, and if you go  
22 through it, it's basically her asking for -- keep going. I see  
23 it. As you go through the next --

24 THE COURT: What's the question?

25 A. I'm trying to describe what this is, but I have to look at

0873RHE2

Lask - Direct

1 it and remember it. Oh, this is -- therapeutic, so in  
2 paragraph five, this was all about the therapeutic visitation,  
3 where they wanted a qualified social worker, or I referred to  
4 it in my billing as CSW, certified social worker.

5 THE COURT: Okay.

6 A. And they were asking for a social worker for a therapeutic  
7 visit for Ms. Karn and the child.

8 Q. Okay.

9 A. That's what that is. So that is a document.

10 Q. And we're also talking about an Article 78.

11 THE COURT: Correct.

12 Q. Do you remember that?

13 A. Yes. That I referred to as the Article 78 complaint.

14 MR. FERRANTE: Your Honor, this is Defense Exhibit 19  
15 in the binder.

16 A. Yes, that's -- it says up top, "verified petition." And  
17 it's about -- it's very long. It's about -- if you have a  
18 question, I'll be glad to answer.

19 Q. Does the complaint -- does this complaint contain several  
20 federal civil rights issues that needed to be researched and  
21 addressed?

22 A. Yes, it does.

23 Would you like me to show you?

24 Q. Yeah. Just pick a page, and just give us a brief  
25 description so we can move along.

0873RHE2

Lask - Direct

1 THE COURT: Just give an example or two.

2 Q. Yes.

3 A. So it's a 12-page document, and the entire petition is  
4 about -- or the complaint is about the Court's interference  
5 with the child and the mother, the mother's -- not giving the  
6 mother access to the child. It's showing therapeutics, giving  
7 examples such as on pages one and two, the detail in paragraph  
8 three from -- that's continuing from page two. But I'm  
9 detailing all of the orders at that time that were in place  
10 interfering with her access, and I'm making the argument on  
11 page -- the arguments for her civil rights access or  
12 constitutional right to affiliation with her child.

13 In paragraph four, I say it right there, that there's  
14 decisions by this court for this same misconduct, denying a  
15 parent's substantive and procedural due process, and I cite  
16 some of the cases I was researching. I don't site all of them,  
17 but *In re Rodger*, which was in the billing, and *Patricia C. v.*  
18 *Bruce L.* And they so held, meaning Referee Burnett cannot  
19 automatically grant petitions when no evidence supports a  
20 change in custody. Again, it's all civil rights.

21 Q. And the parties are listed as --

22 A. It gives the parties, just like any other complaint.

23 So next it says who are the parties, which is  
24 Ms. Karn, against Judge Burnett. And this is -- that's on page  
25 two. And then on page three it gives, if you go to the top,

0873RHE2

Lask - Direct

1 the jurisdiction and venue, which is typical of any complaint.  
2 And then I go into the detailed facts, which is everything that  
3 we went over in the beginning, when I was taking all that time,  
4 you know, researching and transcribing transcripts of the state  
5 custody. I couldn't have done all this without having gone  
6 through the entire custody before I came, which was two years  
7 and thousands of documents. And while I was there, as -- you  
8 know, I'm talking about the November 2017 order. That was way  
9 before she hired me in June of -- or the end of May, June 2012.

10 And then it goes into -- so that's in the facts part,  
11 page ten, and it continues to facts. If you turn the next page  
12 real quick --

13 THE COURT: Ms. Lask, focus on the question. Don't go  
14 through the whole document. Just show us one or two examples  
15 where the complaint contains federal civil rights issues that  
16 needed to be researched and addressed.

17 A. The one or two examples were in the beginning, and then the  
18 whole rest of the complaint is me reviewing all those excessive  
19 transcripts that we went over in the billing. You see trans --  
20 we just went through four pages where it says that.

21 In those transcripts -- let's see, December 3rd, 2012,  
22 things like that, I was arguing -- those transcripts.

23 Slow down.

24 So you have the number 39, but all these citations to  
25 transcripts, that's me like around December 3rd or those times

0873RHE2

Lask - Direct

1 where I'm in front of the state court judge, Referee Burnett,  
2 and I'm arguing for due process, her federal civil rights to  
3 see the child --

4 Q. That's citing back to older arguments you're having and  
5 citing them here? That's what those transcripts were, right?

6 MR. LONERGAN: Objection, leading, Judge.

7 THE COURT: Sustained.

8 THE WITNESS: It's just all the work.

9 THE COURT: There's not a question pending.

10 THE WITNESS: Well, he is going --

11 Q. Another case at the bottom of nine, is that one of the  
12 cases as well?

13 A. Yes, it is. Thank you.

14 There's another case that I was researching. It says  
15 Sixth Circuit, because I go out -- before I said research  
16 nationwide, family cases, and that is the Sixth Circuit, which  
17 is a Federal Court in another state. We are the Second  
18 Circuit.

19 Q. Okay.

20 A. So, you know, when you're researching, you're allowed to go  
21 out of court -- out of the district -- jurisdiction. Those are  
22 the causes of action.

23 Q. You're talking about FCA 205, 90-day complete custody  
24 rules, all that --

25 A. No. Paragraph 72, 74 are state statutes and rules where I

0873RHE2

Lask - Direct

1 was talking about that the state has to finish these cases in  
2 90 days, and that's what those are saying. You have to  
3 complete the custody, in paragraph 72. And then I'm making my  
4 arguments that it violates her due process under the  
5 Constitution.

6 And then the last, you know, two pages that you were  
7 showing was first cause of action, second cause of action. A  
8 cause of action is in a complaint where you say, this is what's  
9 wrong. You know, for instance, number 84, there's more  
10 research, the equal access to justice. These are case laws and  
11 various rules and laws. And, correct, number 84 I'm citing  
12 federal law in this state document. In 28, U.S.C., section  
13 2412(d), that's in paragraph 84, I'm making the federal  
14 argument before the state courts before any federal complaint  
15 was filed.

16 And hold on. The prayer for relief. And that's the  
17 end of the complaint. Every complaint has a prayer for relief.  
18 And what you do is you ask -- the plaintiff, which she was, or  
19 petitioner they call them, asking, you know, the Court for  
20 certain relief. And we were asking for them to annul an order  
21 that happened at a certain time, and to enforce certain laws.

22 Q. And just the last page for the verification.

23 Do you see --

24 A. Every complaint -- well, nine times out of ten every  
25 complaint should be verified by a client. I make sure the

0873RHE2

Lask - Direct

1 client verifies it, because they know what's going on.

2 Attorneys can, in state court, sign and verify for the client.

3 I tried not to, for exactly the reasons that happened today, so  
4 someone can't say they didn't see it or don't know what it's  
5 about. That's signed by Margaret Rhee-Karn.

6 Q. And the date on that is?

7 A. It's dated February 12, the date this was completed.

8 Q. And this is slightly outside of the window of time we're  
9 discussing in this case; is that right?

10 A. Just by a couple of days, but all the work that we're  
11 referring to in there is in there or in the time period.

12 Q. Thank you.

13 A. You're welcome.

14 Q. That's just the back page. That's done for organization  
15 purposes?

16 A. Yeah. We used to call it a blue back back in the day.  
17 It's just for the court purposes.

18 Q. Okay. The last thing that had popped up during our  
19 discussion was a notice of motion for an appeal to the  
20 appellate division of the First Department?

21 A. Correct.

22 MR. FERRANTE: And, your Honor, before I put this on  
23 the screen, this was Exhibit E of the second action, which is  
24 the Defense Exhibit Three. So it's a portion of Defense  
25 Exhibit Three. It's the exhibit attached to Defense Exhibit

0873RHE2

Lask - Direct

1 Three.

2 THE COURT: All right.

3 Q. You see there Exhibit E?

4 A. Yes. So can you bring that down a bit?

5 THE COURT: What's the question?

6 Q. The question is this that appeal that we were discussing?

7 A. That's the notice of motion, but stop moving it for a  
8 second, because my sight -- that's the notice of motion.9 Can you bring it down so I can see the caption so I'm  
10 sure we're looking at -- yes. And that's Ms. Karn against  
11 Kenneth Karn, and that's the first page of -- it's called a  
12 notice of motion, to file an appeal for a family court case.

13 Q. And the date on that one on the receipt is what?

14 A. Well, it's dated February 14, 2013.

15 Q. And would I be correct in saying that you were working on  
16 this in the relevant time period, as shown in your calendar  
17 entries? Right?

18 A. Yes.

19 Q. That we discussed earlier?

20 A. Yes. It just ended up being completed February 14.

21 Q. Of course. It doesn't complete itself on the same day,  
22 right?

23 A. No. You can't do that kind of work in the same day.

24 Q. And this includes an affirmation in support, right?

25 A. Yes. I had to prepare that. That's me doing an

0873RHE2

Lask - Direct

1 affirmation supporting this appeal. So that's two pages.

2 Q. After the affirmation, we turn to an attachment that you  
3 put in, right?

4 A. Oh, that's a court order, January 15, 2013, which is within  
5 the time period. That's the state court referee Burnett's  
6 signature at the bottom, and it basically is an order that had  
7 to do with the state court and talking about supervised  
8 visitation for the mother.

9 So this appeal was trying to attack that, as well as  
10 everything else if you --

11 Q. And then you have what's called a memorandum of law?

12 A. Yes. That's law, research, everything I was doing during  
13 the period that we discussed earlier for this appeal. That's  
14 the first page of the memorandum. Those are the facts in the  
15 memorandum, where I'm talking about the various orders in the  
16 case, just like in the Article 78. This is almost -- this is  
17 literally almost duplicated from the Article 78. It actually  
18 is.

19 Q. All right.

20 A. That whole listing from November 18, January 15, remember,  
21 when I said I was working on two statements and then the  
22 federal complaint was the third screen.

23 Q. And it also has -- I mean, you're talking about petitions  
24 that date all the way back to 2010 here, right?

25 A. Yes. It's the same list we went over in the Article 78.

0873RHE2

Lask - Direct

1 Q. Okay. This again, just continuing, it's mentioning  
2 Rosemary Rivieccio again.

3 Do you see that?

4 A. Yeah. It's all the memorandum of law, an almost duplicate  
5 of Article 78. The Article 78 was my main -- it's talking  
6 about transcripts, exhibits. The page you're showing now is  
7 October 11, 2012. You know, during when I was representing  
8 her, various ex parte orders suspending her visitation, and of  
9 course it's a memorandum of law, making arguments --

10 Q. And this is continuing on in those arguments?

11 A. Yes. It's the whole memorandum, yes.

12 Q. Okay.

13 A. There is more to that memorandum, but apparently you  
14 stopped the page -- oh, there it is. Yeah. It's going on.

15 Q. Continuing on?

16 THE COURT: You don't need to show every page. How  
17 many pages is it?

18 A. I'm sorry. Right there is the constitutional law. That's  
19 page -- I can't see it.

20 Q. Page ten?

21 A. But that's all the constitutional law that I'm arguing to  
22 the state appellate court now.

23 THE COURT: Okay.

24 A. Long before the actual filing of the federal complaint --

25 Q. Thank you.

0873RHE2

Lask - Direct

1 Now, there came a point in time where the first  
2 federal action that we've been discussing was in fact filed,  
3 right?

4 A. Yes. Ms. Karn said she filed it, correct, December 21.

5 Q. And this is a copy of that action?

6 A. That's the first page of a verified complaint. Yes.

7 Q. So later on, we went over earlier that on February 5th I  
8 believe it was that the voluntary dismissal of this complaint  
9 went out. Right?

10 A. Yes. Correct. I filed it from my -- the February 5th,  
11 2012, dismissal of this complaint.

12 Q. Eventually the second federal action was filed, right?

13 A. Correct.

14 Q. Put those side by side, so we see the December 21, '12,  
15 filing on the left, and the August 30, 2013, on the right,  
16 right?

17 A. Yes, I see it.

18 Q. So let's look at -- do you see what's called the heading  
19 there, the description of the case?

20 A. Correct.

21 THE COURT: You're back to the first federal action,  
22 right?

23 MR. FERRANTE: Correct.

24 THE COURT: Exhibit One? Okay.

25 Q. I'm going to put these side by side.

0873RHE2

Lask - Direct

1 Is there a lot -- I should say, is the heading  
2 substantially the same from the first one to the second one?

3 MR. LONERGAN: Your Honor, I'm going to object. The  
4 documents both speak for themselves, and they're in evidence.

5 THE COURT: Well, they do speak for themselves, but I  
6 think do bear some explanation I think from the person who  
7 prepared them, so I'll allow it. Overruled.

8 A. So on the left side is 2012, and that has certain parties'  
9 names, and the same exact parties are named in the 2013 filing,  
10 but I added to that Judge Edwina Richardson Mendelson as a  
11 party, because she was one of the administrative judges that I  
12 talked about earlier. And you have to give them notice before  
13 filing a complaint is what we started. And I added -- hold on.  
14 Rosemary -- I think that's the only additional party.

15 Q. Okay. And the nature of the action, I just want you to  
16 read this in your head as quick as you can, and let me know the  
17 similarities between the two.

18 A. I'm making the same argument, the plaintiff -- that the  
19 state was interfering, the family court was interfering with  
20 Ms. Karn's federal rights.

21 Q. I'm going to turn -- can you see the parties there?

22 A. Yeah. Then, you're right, both the same exact thing, same  
23 parties, except in the one to the right I added the judge in  
24 the caption we just talked about.

25 Q. And no. 11 and no. 17 -- can you see no. 11 on the left?

0873RHE2

Lask - Direct

1 A. Yes.

2 Q. And then no. 17 on the right?

3 A. Yes.

4 Q. Is it word for word almost?

5 A. Yes. All of this is word for word from the left to the  
6 right, except a few little changes.

7 Q. Okay. And 12 to 15 on this one here, on the left?

8 THE COURT: You need to be more precise when you are  
9 talking about what you are referring to, so that the record is  
10 clear.

11 Q. Twelve to 15 -- paragraph 12 through 15 on the first  
12 action, which is on the left of the screen.

13 A. They're the same as paragraphs 19 to 21 and 23 on the right  
14 side of the screen. Same exact paragraphs.

15 Q. And 16 and 17 on the first complaint on the left-hand side.

16 Could you look at that and compare it to 25 and 26 in  
17 the second?

18 A. The same exact paragraphs, defendant, City of New York,  
19 defendant city is responsible. Same exact paragraphs,  
20 duplicates.

21 Q. Do you see at the bottom of the first complaint where it  
22 says "jurisdiction and venue" on the left-hand side?

23 A. Yes. Same heading in the right side. It's a duplicate.  
24 The right side duplicates the left.

25 Q. Okay. On the left-hand side is the heading "facts."

0873RHE2

Lask - Direct

1 That's on the first complaint. That's on the first complaint  
2 on the right-hand side, is facts, state statutes?

3 A. Yes. Now it goes into the facts section.

4 Q. And just no. 23 on the first complaint, the left-hand side?

5 A. Is a duplicate of the second complaint's paragraph 53.

6 That paragraph was put in -- yes, in January 2004, same exact  
7 thing, ends with "report to the chief judge." Both of them are  
8 the exact duplicates, like the other paragraphs.

9 Q. Okay. I want you to look at on the left-hand side, first  
10 complaint, the paragraphs 24 and -- 24 to 26 on the left-hand  
11 side.

12 A. Are the exact duplicates on the right-hand side, the exact  
13 duplicate paragraph.

14 Q. Of 55 and 57?

15 A. Yes, they are. You see it in February 2006, paragraph 25  
16 -- sorry, 55 on the right, and paragraph 24 in February 2006.  
17 Then if you keep going on down, you see there are a decline of  
18 the public -- could you go to the next page of both of them?  
19 They're literally -- they're duplicates, yes.

20 And if you go to the next page, to the right. All of  
21 that is duplicate. That's literally the first complaint inside  
22 the second complaint.

23 Q. You're talking about those top two paragraphs, right?

24 A. Yes. I'm talking about the matrimonial commission I talked  
25 about earlier. Duplicates.

0873RHE2

Lask - Direct

1 Q. All right. And 27 through 36 are removed from the second  
2 complaint; is that right?

3 A. Correct. It was just redundant. I didn't need it in the  
4 second, so those are out.

5 Q. I just want to go back one second to paragraph 29 in the  
6 first one, as compared to --

7 A. Yeah. In the -- so in the left side, 29 is talking about  
8 the same information in 170 and one -- 170 to 181 on the right  
9 side. So in 29, it's a pretty long paragraph.

10 Could you raise it up on the left side?

11 Q. Yes.

12 A. And it keeps going.

13 Okay. So raise it up on the right side.

14 Q. Yes.

15 A. And go to the next page, on the right side, is page 19,  
16 because it continues.

17 Q. This is page 19. So it's on the top --

18 A. So it's the next page, page 19.

19 Go to page 20.

20 Could you lower it?

21 Okay. Yes. It's talking about the defendant Burnett,  
22 what she did, the amount of money that they're making in the  
23 case. Like paragraph 174, it's saying that what they billed  
24 Ms. Karn, like defendant Brandt billed 21 to 50,000. And on  
25 the left side it's talking about the amounts, 44 to 20 -- I'm

0873RHE2

Lask - Direct

1 sorry, about 22. But the left-hand side is back in 2000 -- you  
2 know, nine months before, so the numbers this is discussing,  
3 how much Ms. Karn has to pay all these people that wanted to  
4 get paid from the social work, but -- the numbers changed from  
5 the right side, because five months later the facts change and  
6 their bills went up. So that's what this is arguing and  
7 showing.

8 Q. I'm going to look at paragraph 37 on the first complaint,  
9 on the left-hand side.

10 A. Thirty-seven to what on the left? Okay.

11 Q. It's 37 through 42 on the left-hand side.

12 A. Okay.

13 Q. And I want you to look at --

14 A. Okay. On the right?

15 Q. -- 45 through 50.

16 A. Those are exact duplicate complaints.

17 Could you move the left a little bit? You'll see it  
18 starts -- bring it down, the left. 245 -- exact duplicate  
19 complaints, and they end with -- you know, even 50, 0it ends  
20 with the same word "family court." Maybe I added a word  
21 "system," which you see on the right side.

22 So in 2013, these are exact duplicate complaints. In  
23 2014, they were moved over to paragraphs 45, 50.

24 Q. And in paragraph --

25 THE COURT: Just to be fair, you're saying

0873RHE2

Lask - Direct

1 "complaints."

2 Do you mean allegations?

3 A. I'm sorry? What?

4 THE COURT: You used the term "complaints," but I  
5 think you're referring to the individual paragraph numbers,  
6 which would be the allegations of the complaint.

7 Is that right?

8 A. Yes. I'm referring to paragraphs in a complaint.

9 On the left side is a complaint from December 21st.  
10 On the right is a complaint from --

11 THE COURT: I'm just clarifying that you're saying  
12 those portions are the same. You're not saying they're  
13 identical, are you?

14 A. What I'm showing is, yes, the paragraphs in the left are  
15 the same paragraphs in the right, but different numbers. They  
16 were moved around.

17 Q. Can I draw your attention to paragraph 37 on the first  
18 complaint and paragraph 45 on the second complaint?

19 A. Okay.

20 Q. They both make reference to a case called *Troxel*?

21 A. This, *Troxel*, mentioned earlier, yes.

22 Q. Tell us the significance.

23 A. *Troxel* is the case I talked about at the beginning where  
24 from the start any good family court lawyer should be arguing  
25 civil rights, constitutional law when a family court takes a

0873RHE2

Lask - Direct

1 parent's rights away from their child, alienates them or -- you  
2 know, *Troxel* is a United States Supreme Court, Federal Court  
3 action case that basically, in summary, says parents have a  
4 right to familial -- to access to their child, that's it, which  
5 of course they do, unless someone is found unfit or there's  
6 some kind of exception. But we all have a right to our  
7 children, to access. So that's what *Troxel* is about.

8 Q. Can we look at 44 and 45 on the left?

9 I'm going to turn to 82 and 83 on the second  
10 complaint.

11 A. Exact duplicates from the left side. The first federal,  
12 that was withdrawn, right, 82 and 83. So 44 and 45, those  
13 paragraphs are duplicates. They ended up in the second. And  
14 you can see the wording. 82 starts with "on April 23, 2010."  
15 So does 43 on the left -- I'm sorry, 44 on the left side. They  
16 end with, you know, talking about the custody petition.

17 Q. So they appear in both?

18 A. Yeah. They're duplicates.

19 THE COURT: I think you've given a number of examples.

20 Mr. Ferrante, can you move it along?

21 MR. FERRANTE: Yes, your Honor.

22 Q. Can you look at 49 through 56, and 84 through 90? Again,  
23 substantially the same?

24 A. They're duplicates. Yeah. Exact duplicates.

25 On August 19, 2011, in 85. August 15, 2011. Same

0873RHE2

Lask - Direct

1 words, OSCs, and, yes, duplicates. If you want to --

2 THE COURT: No. As I said, I think we should move on  
3 to broader questions perhaps. You've shown examples which show  
4 that parts were reused in the other. That's been established,  
5 so you don't have to show every example.

6 THE WITNESS: Your Honor, I'm sorry. I'm sitting here  
7 and I'd like to --

8 THE COURT: In the interest of time, we are not going  
9 to go through every example. I think an appropriate question  
10 would be, to what extent did you use the first complaint in  
11 drafting the second complaint; and another appropriate question  
12 would be what differences were there. But that's up to your  
13 counsel to ask.

14 Q. So do you know how many paragraphs were in the first  
15 complaint?

16 A. About 200 and -- can you show me the last paragraph of the  
17 first complaint? I think it was 235. Yes. That's it. 235  
18 paragraphs, numbered 1 through 235.

19 Q. Okay. And in the second complaint?

20 A. 398. So one of 300 -- 398. So the left side has less and  
21 the right side has additional, more.

22 Q. All right. So from my math, the total first paragraphs  
23 that appear in the second are 218?

24 THE COURT: What's the question?

25 MR. LONERGAN: Your Honor, I object.

0873RHE2

Lask - Direct

1                   THE COURT: No. Sustained. Ask her a question.

2 Q. Are there 218 paragraphs from complaint number one that  
3 appear in complaint number two?

4                   MR. LONERGAN: Your Honor, how about how many --

5                   THE COURT: Well, I'm going to overrule the objection  
6 there.

7                   MR. FERRANTE: I'm moving as fast as I can, your  
8 Honor.

9                   THE COURT: Well, I'm taking counsel's representation  
10 that there are approximately 218, and whether his client agrees  
11 with it, I don't know.

12 A. I went through this. I drafted the first. I drafted the  
13 second. 218 of the 235 paragraphs in the first are in the  
14 second. And I yellowed it and outlined it.

15                   So, correct, the first and the second are duplicates.

16 Q. So a substantial number -- would you agree that a  
17 substantial number of the paragraphs that were used in action  
18 number one were reused in action number two?

19 A. Basically, all of number one is in number two. I only took  
20 out those few paragraphs that we talked about, because they  
21 were just redundant.

22 Q. And there was much -- there was added material to part --  
23 to action number two. Was that because of the passage of time?

24 A. Correct. There were nine months in between the filing of  
25 the first one on the left, and a lot was going on in that

0873RHE2

Lask - Direct

1       thing. There were more orders. They were -- you know, that  
2       was filed on the left, December 21st. Then the January 18,  
3       2013, order came out, you know, taking away more of her time  
4       with her child. And a bunch of things happened between  
5       December 21 -- yes, it was nine months worth of additional  
6       facts in the right side. So that's why the right side is about  
7       ten more pages in addition to the left side.

8                    MR. FERRANTE: Your Honor, I have a demonstrative  
9       exhibit on this, and if you're asking me to save time, I can  
10       quickly flip through it, and then we'll be done with this  
11       portion of the questioning.

12                  THE COURT: Okay. Have you shown it to your  
13       adversary?

14                  MR. FERRANTE: I will.

15                  THE COURT: My question was, have you already.

16                  MR. FERRANTE: No, I have not.

17                  THE COURT: It should be done in advance to save time,  
18       but go ahead, show it.

19                  What are you representing the demonstrative to be?

20                  MR. FERRANTE: I'm representing the demonstrative to  
21       show highlighted areas of things that were removed, and the  
22       yellow -- the white parts are the part of the first complaint  
23       that's retained.

24                  THE COURT: Okay. You can ask her questions about  
25       that.

0873RHE2

Lask - Direct

1                   MR. LONERGAN: So the highlighted are the new  
2 sections?

3 Q. Ms. Lask, correct me if I'm wrong on that -- tell us the  
4 yellow and the white on that, please.

5                   THE COURT: Stop. Stop. Hold it. Hold it.

6                   So in the demonstrative that you have without the  
7 highlighting, is that a copy of the first federal complaint?

8                   MR. FERRANTE: No. This is a copy of the second  
9 amended complaint.

10                  THE COURT: Okay. This is a copy of the second  
11 amended complaint.

12                  MR. FERRANTE: Yes.

13                  THE COURT: And who did the highlighting?

14                  THE WITNESS: I did.

15                  MR. DOLLINGER: There are two colors, your Honor.

16                  THE COURT: Okay. You can use it. Go ahead.

17 Q. Ms. Lask, can you tell us what the highlighted portions of  
18 this demonstrative exhibit are as opposed to the white  
19 versions?

20 A. This exhibit is the second complaint that was filed nine  
21 months later than the -- after I withdrew the first complaint,  
22 and everything in yellow highlighting is what was added to the  
23 first -- I mean to the second. I'm sorry. So everything  
24 that's not highlighted is everything that's in the first.

25 Q. Right. So the white part is the first?

0873RHE2

Lask - Direct

1 A. Yes, it is.

2 Q. The yellow part is the additions to the first?

3 A. Correct.

4 MR. FERRANTE: Okay. I'm just going to quickly flip  
5 through it, your Honor.

6 A. So that's the first page, and that's all the yellow.

7 Slow down.

8 If you can bring it down, so I can see? And then  
9 bring it up.

10 So all that yellow is additional. And the reason why  
11 this one -- as I said, I added, if you look at paragraph 15,  
12 defendant Richardson Mendelson. These are additions. You  
13 know, I'm adding more defendants.

14 Go ahead.

15 So that's page two.

16 Page three, could you bring it down and then up?

17 That's all additions, you know, as I was doing more  
18 research, 32, all additions in yellow.

19 THE COURT: We do not need to go through every page.  
20 I will allow this exhibit to be provided to the jury, and we  
21 are designating it Defendant's Exhibit 21.

22 MR. FERRANTE: Thank you, your Honor.

23 THE COURT: If there are a couple of things you wanted  
24 to go through, that's fine. I'm just saying we don't need to  
25 go through every page.

0873RHE2

Lask - Direct

1 THE WITNESS: It's my entire case.

2 THE COURT: We just don't need to go through every  
3 page. In other words, the yellow highlights are the things you  
4 added. The white parts are the things you --

5 THE WITNESS: If I can go through it and show how many  
6 highlights --

7 Q. It will just take a few minutes.

8 THE COURT: Okay. Go through a little more.

9 A. Just go a little faster then, Joe.

10 All the white is the first.

11 All the white is the first.

12 All the yellow is added.

13 That whole page is the first. That whole page is the  
14 first.

15 What page are we on? Eight, of this complaint.

16 Go a little faster, please, because --

17 That paragraph 76 was added. Everything else is the  
18 first, all of that procedural history. The yellow was added.

19 That paragraph 97 was added.

20 Paragraph 105 was added. It's in yellow.

21 And here's a whole bunch of additional, because there  
22 was additional -- slow down.

23 That's about defendant Richardson Mendelson, so of  
24 course I had to add all those facts. It was a new defendant.

25 Page 13. Thirteen. Keep going. And that is

0873RHE2

Lask - Direct

1 continuing.

2 Now we're -- there are facts about a whole new  
3 defendant that was added, so of course I'm going to have to  
4 add.

5 All of that is the first. The yellow is the second  
6 additionals.

7 Page 16, all of the first. Keep going.

8 Page 17. Could I -- defendant's custom and policy --  
9 that's added. Okay. So we see the yellow. Okay. The yellow  
10 was added.

11 Here's some more on paragraph 20.

12 THE COURT: Page 20.

13 A. I'm sorry. Page 20. Thank you.

14 I see it. Yes. Paragraph 187 was added, and it's all  
15 yellow.

16 And, by the way, the -- well, yeah, you see the same  
17 exact headers were in the second as in the first. Basically,  
18 the first was used as the basis to, you know, file the second  
19 that was found not negligent by the Court.

20 All of that is the first.

21 And July 24, 2013, obviously is after the -- you know,  
22 I'm adding facts after the first was removed on February 5th of  
23 2013. I'm changing words around here and there, and this is --  
24 all that yellow is additional. All that is additional.

25 Same exact duplicates of the first, and then

0873RHE2

Lask - Direct

1 additional information on 28. We see the yellow. Same thing.

2 All the first, some of the yellow, some additional, 30.

3 It looks like we're almost done.

4 Now I get into the counts of -- as I told you before,  
5 a complaint has certain counts, and this is going on Count Two.  
6 Same as the first. Maybe some additions or revisions. Keep  
7 going. They were the additions. But Count Three was added.  
8 It's a completely new count. It's about the 14th Amendment,  
9 because I wanted to make it as close to perfect as I can.

10 Count Five was added. It's a First Amendment  
11 violation. Freedom of religion, the reason that was added, all  
12 of that is because after -- you know, when certain orders were  
13 coming -- Joseph, please -- we were on freedom of religion.

14 Just very quickly, because that was after the Federal  
15 of February 5th was withdrawn. Ms. Karn wanted to make a  
16 religious argument, because her husband was Jewish, she was  
17 Asian, and it had to do with Christmas and holidays. And they  
18 violated her religious holiday -- or interference with her  
19 religious holiday. She couldn't see her child during that  
20 holiday.

21 Paragraph 316, that's another count. I'm sorry. Yes,  
22 that was added, same exact Count Six as the first one.

23 (Continued on next page)

0873RHE5

Lask - Direct

1 A. (Continuing) All of that yellow is added. That's all the  
2 first as well.

3 Count Seven, same causes of action, Count Seven. I'm  
4 sorry. In the first cause of action. Here just the counts  
5 were changed because I added the other counts. The yellow is  
6 just extra facts, things that happened.

7 Count Nine, all the same exact stuff as the first.

8 Count 10 was added constructive fraud, that was not a  
9 claim that was in the first. Again, certain things happened in  
10 the nine months so we add a count to say fraud happened.  
11 Certain things happened.

12 Count 11, yes, okay, keep going. All the same that is  
13 not in yellow, it's all from the first. And then again, as  
14 you're continuing, all the yellow is from the second. And all  
15 of that is from the first.

16 And I'm adding there on Count 14, because this is a  
17 federal action, declaratory relief and injunctive. I am asking  
18 the federal court for certain declaratory relief. There are  
19 certain federal laws you can ask for that under certain  
20 situations. And that's what I was doing.

21 Q. That's the end of the 398 paragraphs, right?

22 A. Yes, it is.

23 Q. Again, after the quick review that we did, do you agree  
24 with me that essentially the whole first complaint is in the  
25 second complaint, other than the yellow delineations?

0873RHE5

Lask - Direct

1 MR. LONERGAN: Objection.

2 THE COURT: The objection sustained. That's a leading  
3 question.

4 Q. Do you think the first and second complaint are essentially  
5 the same except for some added --

6 THE COURT: Objection sustained.

7 Why don't you ask her to what extent the first amended  
8 complaint was -- I'm sorry, the first federal complaint was  
9 incorporated into the second without your characterizing it.

10 Q. In your estimation, how much of the first is incorporated  
11 into the second?

12 A. It's not an estimation. The entire first complaint is the  
13 second complaint. I took the first complaint because it was  
14 all relevant and I added all of that yellow to do the second  
15 complaint. Because nine months later, when that second  
16 complaint was filed, I was working on it and amending the first  
17 complaint. So, like we said, there were 235 paragraphs in the  
18 first, 218 end up in the second. The second had about 10 more  
19 pages in addition to the first, that's it. So, everything in  
20 the first was used to do the second.

21 MR. FERRANTE: I have no further questions, your  
22 Honor.

23 THE COURT: Thank you. Cross-examination.

24 MR. DOLLINGER: May I have two minutes?

25 THE COURT: You may have two minutes.

0873RHE5

Lask - Cross

1 (Pause).

2 THE COURT: You want to use the restroom? Don't  
3 discuss the case. Whoever needs to go.

4 (Jury excused)

5 (Jury present)

6 THE COURT: Ms. Lask.

7 CROSS-EXAMINATION

8 BY MR. LONERGAN:

9 Q. Good afternoon, Ms. Lask. My name is Larry Lonergan. I'm  
10 co-counsel today for the plaintiff in this matter. I have  
11 questions for you. Basically start with your background. You  
12 mentioned on direct your education.

13 Where did you attend undergraduate school?

14 A. I did not mention education and that was objected to  
15 earlier, but the judge ruled that that's not within here. I  
16 never talked about my education.

17 Q. Do you have a J.D.?

18 A. Excuse me?

19 Q. Do you have a juris doctorate degree?

20 THE WITNESS: Your Honor, this was objected and this  
21 is irrelevant. We went over this in June 24. My education is  
22 from over 45 years ago and you specifically, 45. So,  
23 unfortunately.

24 Q. You don't have a juris doctorate?

25 THE COURT: Hold on.

0873RHE5

Lask - Cross

1 THE WITNESS: You made the order.

2 THE COURT: Was this a ruling that was the subject of  
3 an in limine ruling?

4 THE WITNESS: It was in limine, it was July 24, '23,  
5 and you had specifically --

6 THE COURT: Okay.

7 THE WITNESS: It was on their --

8 THE COURT: I don't need anything at the moment,  
9 Ms. Lask. I'll ask you when I do.

10 Jury, I am going to apologize. I do need to go back  
11 with the lawyers and the court reporter.

12 (Continued on next page)

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0873RHE5

Lask - Cross

1 (At the sidebar)

2 THE COURT: Okay, Ms. Lask.

3 MS. LASK: Your Honor, unbelievable but everything  
4 that you have told them not to do, they find a way to weasel it  
5 in. And this was specifically, thanks to my, you know,  
6 Invisalign inside my mouth. But, you told them not to.

7 THE COURT: Be specific about what I told them.

8 MS. LASK: I think they had it on their witness list  
9 around July 20, '23.

10 THE COURT: Witness or exhibit?

11 MS. LASK: Witness list.

12 THE COURT: I know what you are talking about.

13 MS. LASK: We had a huge discussion. What in the  
14 world does that have to do with anything. I am a lawyer, and  
15 that's what I'm here as. I'm not here as a grad. My B.A., my  
16 PhD.17 MR. FERRANTE: I never asked about education. I asked  
18 how long she's been a lawyer.

19 THE COURT: Whoa. One at a time.

20 MS. LASK: I'll handle it.

21 THE COURT: I understand why the plaintiffs want to  
22 ask in this area, presumably for credibility.

23 MS. LASK: We --

24 THE COURT: This is from yeah, I don't remember which  
25 day, I'm looking at my notes from when we discussed the witness

0873RHE5

Lask - Cross

1 sheet. I do not have the transcript in front of me. I do not  
2 know exactly what the ruling was.

3 MS. LASK: There was a hands down ruling. Even then  
4 he did it again. And in November of 2023, we wrote letters and  
5 said stop it. With the --

6 THE COURT: With what specifically?

7 MS. LASK: With the education. It's irrelevant. And  
8 not only is it irrelevant, you said in contempt, contempt,  
9 contempt.

10 THE COURT: Right now I want to determine exactly what  
11 was ruled before. So Mr. Dollinger, what's your recollection?

12 MR. DOLLINGER: Your Honor, I actually took very  
13 copious notes on this, because it's a sensitive area for  
14 Ms. Lask.

15 MS. LASK: It's not a sensitive area.

16 MR. DOLLINGER: No, we're here because --

17 THE COURT: Stop.

18 MS. LASK: We're here because --

19 THE COURT: Stop.

20 MR. DOLLINGER: Your Honor, the ruling was very clear.  
21 I can bring it up on cross. There is no question about it.  
22 Who ever heard of not being able to bring up someone's  
23 education?

24 THE COURT: Did anyone order the transcript from that?

25 MR. DOLLINGER: No.

0873RHE5

Lask - Cross

1 MS. LASK: He's lying. I am going to say it.

2 MR. DOLLINGER: One more time and I am going to ask  
3 for a contempt order. I'm tired of the lying.

4 THE COURT: Hey. Everyone, quiet. I don't want to  
5 hear anything until I'm ready to have you speak. Don't get  
6 personal with each other. I know this is all very personal. I  
7 don't need to -- I know you are getting upset. I do know that  
8 I definitely struck out some things regarding her background.

9 MS. LASK: Education was right out and Mr. Dollinger  
10 wrote in his letter he suspect they were going to do just what  
11 they did and you said no. Three times he keeps doing this.  
12 It's stupid.

13 THE COURT: Hold on.

14 MR. DOLLINGER: The rule is I can inquire into any  
15 topic of educational background. And in addition, okay, the  
16 issue in this case is whether or not she was competent. That's  
17 already been determined she wasn't.

18 MS. LASK: I remember. That was the argument you said  
19 is useless.

20 THE COURT: That's exactly right. Competent has  
21 nothing to do with this.

22 MR. LONERGAN: How about the standing to charge these  
23 bills at all. If it says on the New York State website, the  
24 attorney search website that the attorney is Whittier Law  
25 School.

0873RHE5

Lask - Cross

1 MS. LASK: It has nothing to do with this case.

2 MR. LONERGAN: And this is a public document. It says  
3 right on the website that says that the New York State attorney  
4 listing website says Whittier. I'm not able to ask whether  
5 that's true or false?

6 MR. DOLLINGER: That's what occurred.

7 THE COURT: What did I say about not speaking. No  
8 speaking.

9 This was an issue that was discussed previously in  
10 terms of whether it would be permissible. There are cases  
11 where certain subject, even for impeachment purposes, are not  
12 permissible depending on the extent to which they can be  
13 prejudicial because they don't pertain enough to the relevant  
14 issues in the case.

15 But just let me read through what I'm reading through.

16 I'm going to read this into the record. This is my  
17 order of November 15, 2023 at docket no. 424.

18 This order addresses the subject parties'  
19 correspondence at docket 419 and 423. The extent to which  
20 plaintiff may introduce evidence and cross-examine concerning  
21 defendant's credentials, marketing, and related matters the  
22 plaintiff contends go to defendant's credibility.

23 Plaintiff once again ignores the scope of trial. The  
24 trial will resolve a narrow issue. Compensatory damages for  
25 time expended in connection with the first federal action, and

0873RHE5

Lask - Cross

1 the extent to which the work performed during that time was  
2 reused and saved time in the second federal action.

3 Plaintiff may of course impeach defendant with prior  
4 inconsistent statements, i.e. inconsistent with the testimony  
5 she presents at trial, and cross-examine defendant about her  
6 time entries and the work she did or did not perform.

7 The collateral matters on which plaintiff focuses,  
8 e.g. bases for plaintiff's reliance on defendant retaining her  
9 in the first place, however, are off limits as their limited  
10 relevance is outweighed by the prejudice that will be incurred  
11 inter alia confusing jury about the issues they are to resolve.

12 However, to the extent defendant opens the door to the  
13 purported credibility issues raised by plaintiff, plaintiff  
14 will be permitted to cross-examine commensurately.

15 And that 419 specifically raised the issue about  
16 education. That's why it was addressed in my order. And so  
17 that is one of the collateral matters to which I referred.

18 MS. LASK: Thank you, your Honor.

19 THE COURT: We are not going to go there.

20 MR. LONERGAN: I want to ask a question. On direct  
21 he's asking about experience.

22 THE COURT: You can ask her about her experience.

23 MR. LONERGAN: How does experience --

24 THE COURT: We're not going to get into an issue of  
25 where she does or does not have her law degree. This was an

0873RHE5

Lask - Cross

1 issue that was brought up previously. That has been ruled. If  
2 you want to ask her about some of her experience, fine.

3 MR. LONERGAN: How about the fact whether or not she  
4 has a law degree.

5 MS. LASK: He just said --

6 THE COURT: We're not going there. This is not the  
7 subject of this trial which is about the damages and about the  
8 time. And you can impeach her on things about the time that  
9 are relevant. I've already ruled that the prejudicial weight  
10 of this aspect is not going to be gone into. And it was not  
11 elicited on direct.

12 MS. LASK: Thank you. Why they're even --

13 THE COURT: This was all the subject of this letter.

14 MR. DOLLINGER: If I can just put something on the  
15 record.

16 MS. LASK: No.

17 THE COURT: Go ahead.

18 MR. DOLLINGER: You allowed the defendant sitting here  
19 for three hours to testify to her competency.

20 THE COURT: This isn't about competency. It is about  
21 what she did or did not do.

22 MR. DOLLINGER: I'm suggesting to you that we can  
23 prove on the cross-examination what she didn't do and did do  
24 and how it affected whether or not she had a J.D. or not and  
25 what she was hiding.

0873RHE5

Lask - Cross

1 MS. LASK: How does a J.D. --

2 THE COURT: I've given my ruling.

3 MR. DOLLINGER: Just --

4 THE COURT: I am sticking to my order and she did not  
5 open it up on direct. If you take your exception, that's fine.  
6 We are going to go back there and move on.

7 MS. LASK: I would like to say something because  
8 earlier you said stop violating the rules, contempt, contempt.

9 THE COURT: We're not -- we're not going to go there  
10 right now. I haven't dealt with Mr. Lonergan before. I have  
11 not had to repeatedly admonish him not to do what he is doing.  
12 I had to repeatedly admonish you.

13 We're going back in and we are going to continue and  
14 move on. If there is reason for contempt going forward, I will  
15 certainly make that determination.

16 MS. LASK: I make my objection because they are  
17 together these two and he stood here before you and lied and  
18 said education can come in.

19 MR. DOLLINGER: I believe that the --

20 THE COURT: We're done within this issue.

21 (Continued on next page)

0873RHE5

Lask - Cross

1 (In open court)

2 THE COURT: My apologies again to the jury but we did  
3 resolve the issue that we had to address. Thank you for your  
4 patience.

5 BY MR. LONERGAN:

6 Q. To continue.

7 A. I'm sorry. You were going to read the order?

8 THE COURT: No, I just read it into the record. Go  
9 on. The subject of the last few questions is stricken.10 Q. You talked about your experience earlier. Have you had  
11 disputes with other clients besides our client?

12 THE WITNESS: Objection. Irrelevant.

13 THE COURT: I think it's for Mr. Ferrante --

14 MR. FERRANTE: I do make that objection.

15 THE COURT: -- to raise.

16 Sustained.

17 THE WITNESS: Hard to be a lawyer and a witness at the  
18 same time.19 MR. LONERGAN: I am going to come back on this because  
20 it's relevant.21 Q. You've had a lot of experience dealing with clients over  
22 your decades of practice, correct?

23 A. I've worked with clients.

24 Q. And you've submitted time sheets to those clients  
25 throughout your career, correct?

0873RHE5

Lask - Cross

1 A. Yes.

2 Q. Have at times there been disputes about those time sheets?

3 MR. FERRANTE: Objection, your Honor.

4 THE COURT: Overruled.

5 Q. In the past, have you had disputes with clients, other than  
6 my client, about time sheets?

7 A. Not that I recall while I'm sitting here. Maybe somebody  
8 asked me a question, so we fix it. We discuss it and we do it.

9 Q. You are an admitted attorney, correct?

10 A. Of course. For 35 years I testified in New York State.

11 Q. You're a legal expert?

12 A. I never said I was a legal expert.

13 Q. If you look at your LinkedIn page.

14 MR. FERRANTE: Objection.

15 Q. You call yourself an expert.

16 THE COURT: The objection is overruled.

17 A. I don't know what you're talking about a LinkedIn.

18 Q. You don't know what a LinkedIn profile is?

19 A. The way you are talking to me, I don't --

20 Q. Do you have a LinkedIn profile?

21 A. Yes, there is a LinkedIn.

22 Q. Do you call yourself a high-profile lawyer on that page?

23 A. I'm waiting for the objection.

24 MR. FERRANTE: Your Honor, again.

25 THE COURT: Overruled.

0873RHE5

Lask - Cross

1 MR. FERRANTE: It was specifically the social media.  
2 The ruling was specifically to social media and websites.

3 THE COURT: I'll allow very little rope here. But go  
4 ahead.

5 Q. You know the system, correct? You know the legal system,  
6 correct?

7 A. That's a very general term. I don't know what you mean.

8 Q. Okay. You don't know what the legal system means?

9 A. The legal system.

10 THE COURT: I don't know what you mean by it either so  
11 let's be more particular.

12 Q. As an attorney, are you bound by the disciplinary rules in  
13 the State of New York?

14 THE WITNESS: Objection, relevant.

15 THE COURT: Overruled.

16 I will take judicial notice that there are  
17 disciplinary rules for attorneys in New York that govern  
18 lawyers.

19 Q. We are supposed to avoid the appearance of impropriety,  
20 correct?

21 A. I'm not answering that. I don't know why this is even --

22 THE COURT: Hey, let Mr. Ferrante deal with  
23 objections. You are a witness. The objection is overruled.  
24 Go ahead.

25 Q. So then let's cut to it. We have your bills which are

0873RHE5

Lask - Cross

1 Plaintiff's Exhibit 2, correct, that are at issue and I am  
2 going to throw down the first page. I want to read the very  
3 top line.

4 TC re case organize file. Cell \$2.

5 A. I'm sorry, I don't know where you are.

6 Q. I'm 5/17 at the very top?

7 A. That's not within the period.

8 THE COURT: He is asking a question though.

9 Q. I am asking a question, ma'am.

10 A. It's right in front of my face.

11 Q. Talk to this counsel. I read that very first line, right?

12 TC re case organize file Cell 2.

13 That's not a sentence, is it? Is that a grammatical  
14 sentence, counsel?

15 MR. FERRANTE: Your Honor, it speaks for itself. It  
16 says what it says. What does it matter if it is a sentence.

17 THE COURT: The objection you are making is overruled.  
18 The objection to tone of voice and argumentative is sustained.

19 Q. That is not a sentence, is it?

20 A. It is to me.

21 Q. To you?

22 A. It is a sentence I use in my bills and that all lawyers use  
23 the same thing.

24 Q. All lawyers. How do you know that?

25 A. Because I actually review lawyer bills all the time. In

0873RHE5

Lask - Cross

1 the custody case Ms. Rivieccio gave her bills, if you remember.  
2 I testified that Ms. Rivieccio brought an order to show cause  
3 because Ms. Karn refused to pay her bills and Ms. Rivieccio's  
4 bills were very similar.

5 Q. Are you sending this bill to Ms. Rivieccio?

6 A. Sir, tone of voice.

7 MR. FERRANTE: Your Honor, objection, again  
8 argumentative.

9 THE COURT: Sustained.

10 Q. Come on. You're sending this bill to Maggie Karn, right,  
11 right? Isn't that what you did with this bill? You sent it to  
12 Maggie Karn?

13 A. That's the bill, yes.

14 Q. Okay. And the next line below that R/R C e-mail re David  
15 atty, T-C re W/DRL.

16 My question to you, how does a layperson know what  
17 that possibly means without some sort of legend on these bills?  
18 How is Maggie Karn supposed to divine what you mean?

19 A. I can't speak for Maggie Karn. All my clients get a legend  
20 and I explained before. R/R is receipt review. We all know  
21 it.

22 MR. LONERGAN: Objection.

23 THE WITNESS: You asked me a question. I answered it.

24 THE COURT: Hey.

25 THE WITNESS: He's laughing.

0873RHE5

Lask - Cross

1                   THE COURT: This is how I have to deal with my kids  
2 sometimes. The admonishment about arguing goes just as much  
3 for the witness as it does for counsel.

4 Q. And then looking down through the rest of these entries,  
5 and on these bills that you sent, I don't see a legend, I don't  
6 see anything to help decipher these hieroglyphics that you  
7 include in this bill.

8                   How is a layperson supposed to divine --

9                   MR. FERRANTE: I'm going to object to hieroglyphics.

10                  THE COURT: Overruled.

11 A. I just told you, she got the -- all my clients get what R/R  
12 means. When I say T to C and we know. If she has any  
13 questions, she can always ask if she didn't understand.

14 Q. Is the legend in evidence?

15 A. There was no reason to. You didn't put it in evidence and  
16 neither did we.

17 Q. I am asking the question. Does this document contain any  
18 kind of a legend or any help to define what this shorthand  
19 means?

20 A. It doesn't have to. The client's gets the legend when they  
21 sign up with me.

22 Q. Where is that?

23 A. I don't know where she put it.

24 Q. It's your duty to prove what you're saying here. So where  
25 is it? Have you put that into evidence or not?

0873RHE5

Lask - Cross

1                   MR. FERRANTE: Your Honor, there is no duty to prove  
2 anything. This is a damages trial.

3                   THE COURT: I know you didn't mean it when you said  
4 that, but obviously the plaintiff has the burden of proof to  
5 prove her damages. Defendant has the burden of proof, as I  
6 have said, to show to what extent the work you used in the  
7 first federal action was used in the second federal action.

8                   The Court will take judicial notice that the legend to  
9 which the witness is speaking is not in evidence.

10                  Q. So why is it Maggie Karn's job to decipher these bills?

11                  A. I never said it was her job to decipher anything. I gave  
12 her a legend.

13                  Q. When you were on direct, when you were cross-examining  
14 Maggie Karn earlier today, you took issue with the fact that  
15 she never complained about any of these bills. Do you remember  
16 that?

17                  A. I asked her if she complained about the bills, correct.

18                  Q. Right. And she said no?

19                  A. She said no and she paid them.

20                  Q. Did you ever go through any of the entries with her?

21                  A. If she ever had a question, I think this was 10 years ago,  
22 little more. She said we were talking constantly, we had  
23 communications, phone calls all the time and e-mails. So if  
24 she ever had a question, I was ready, willing, and able. I was  
25 there 24 hours for her. Obviously, according to the bills.

0873RHE5

Lask - Cross

1 Q. Let's go down to the item that says 7/13: RR C e-mails T/C  
2 cell \$2.

3 What's cell \$2 mean?

4 A. I don't know. That was 10 years ago. Cell calls \$2, I  
5 don't know. Well, obviously it wasn't charged. It's not in  
6 the other side. So, I don't know what that was.

7 Q. Are you saying it was 10 years ago yet you were able to  
8 recall on direct precisely every entry? Yes?

9 A. You are asking for, yeah, the entries that had to do with  
10 the scope of this trial. You're way out of it and I never  
11 looked at this in the longest time. You are talking about  
12 things that we're not even here for.

13 Q. 7/13 is an item that is being challenged and sought for  
14 recovery.

15 A. I'm sorry. But that's outside the scope of the damage.

16 Q. So --

17 THE COURT: Counsel, I'm sorry. I understand from my  
18 deputy that one of the jurors needs a quick bio break and I  
19 think we all want that so they can pay attention and be  
20 focused. So if there is a juror that needs to do so, please do  
21 so.

22 (Pause)

23 THE COURT: All righty, we are now all back. Please  
24 continue.

25 Q. I'd ask you to take a look at item 10/24, the lower the

0873RHE5

Lask - Cross

1 page that's on the screen.

2 A. I see it.

3 Q. RR C e-mails, conf-C begin drafting fed compl; T confs with  
4 client. And then a five at the end for five hours. This is  
5 you encapsulating you did five hours on the 24th of October in  
6 2012?

7 A. Encapsulating some of the work I did that day. The  
8 underlying that I testified to goes into more detail about what  
9 each one is.

10 Q. How much time of this five hours from -- can you tell from  
11 this document of those five hours were spent begin drafting  
12 federal complaint?

13 A. This document adds all that time together, because -- I'm  
14 sorry, 10/24?

15 Q. Yes.

16 A. Begin drafting federal complaint?

17 Q. Yes.

18 A. There is conferences so obviously not all five hours is  
19 regarding the drafting of the complaint. That's why we have, I  
20 testified that's why I keep my underlying. If there is ever a  
21 question, we want to go down point by point, if a client has a  
22 question, we review.

23 Q. When did you send those entries, those calendar entries,  
24 when did you send those to Maggie Karn?

25 A. If you can show me the top, I can see the date of the bill.

0873RHE5

Lask - Cross

1 Q. I'm asking you, counsel, when did you send the calendar  
2 entries, our Exhibit 6, when did you send those to Maggie Karn?

3 A. Sir, I'm sorry, but it is heard for me to answer you when  
4 you're combating me like that in that tone of voice. But I  
5 would be glad to answer but please, just keep it a little  
6 calmer.

7 THE COURT: Okay. Enough.

8 Q. I'm going to speak clearly and I'm going to ask my  
9 questions and I hope you answer them.

10 THE COURT: Both of you cool it. He is asking about  
11 the calendar entries that you said you keep. For clarity, why  
12 don't you put out Defendant's Exhibit 6.

13 THE WITNESS: Okay. I didn't understand what he was  
14 asking because it's hard for me to understand with that --

15 Q. Here is an example.

16 A. Oh, my underlying calendar? You're talking about -- yes.  
17 When were these sent to Maggie Karn? We don't send these to  
18 clients unless they have a question. I can pull it out and say  
19 we were talking about this on this date, I keep detailed notes,  
20 this, this, and that. You know, clients know what's happening  
21 on a daily basis.

22 MR. LONERGAN: Judge, this is so far afield.

23 THE COURT: She's answered the question enough.  
24 Please go forward.

25 THE WITNESS: Clients know what's happening on a daily

0873RHE5

Lask - Cross

1 basis.

2 THE COURT: Ms. Lask, first of all, you're  
3 speculating. Secondly, you are going beyond the scope of the  
4 question. Please continue with your questions.

5 Q. When you said "we keep these," who do you mean by we? You  
6 said we keep these. Who is we? Is that just you?

7 A. This is an underlying calendar that attorneys, most  
8 attorneys I know keep it. I have kept it. I've taken CLE  
9 courses about it. I have read -- it's my calendar.

10 Q. It's your calendar. So do you share this with anybody? Do  
11 you share it with a paralegal or these are just your entries  
12 you make by yourself?

13 A. I testified before this comes from my calendar. When I do  
14 a case, I have my calendar open and either simultaneous or by  
15 the end of the day I'm looking at all the work and I'm adding  
16 the time. It is a little obvious opening an e-mail sometimes  
17 which is six minutes. Every attorney does charges a minimum.  
18 Most attorneys charge a minimum .25. I literally go down to  
19 six minutes.

20 Q. So again you are not answering the question. This is even  
21 more shorthand than your own shorthand, correct?

22 A. I don't understand that question.

23 Q. Well, these are not complete sentences and they're not  
24 complete words. So they're shorthand, yes?

25 A. What on this document?

0873RHE5

Lask - Cross

1 Q. Let's take a look at what's up right now. Okay. Karn/fam  
2 this is 8/14/12 R/R C e-mails quickly from past week, file  
3 review, .25.

4 A. It follows the legend I give every client. R slash fam we  
5 are working on the family court case. CT is court, fam is  
6 family. These are my own personal underlying calendars.

7 Q. You can write whatever you want on this, right? You can  
8 write whatever you want. No one looking at this at the time  
9 you write it. You don't have a partner, you don't have an  
10 associate, you don't have a paralegal?

11 A. I never said --

12 Q. This is whatever you want on these calendar entries, right?

13 MR. FERRANTE: Objection.

14 THE COURT: Overruled.

15 A. First of all, you said I don't have a partner or a  
16 paralegal. So I don't know why you're assuming that. And then  
17 second, at the time I did have paralegals. And third, your  
18 question is you are accusing me of something. I'm an attorney.

19 THE COURT: Ms. Lask, last time. You're on  
20 cross-examination. You answer the question that is asked. You  
21 and your counsel will have an opportunity to follow up. I know  
22 it is hard to resist when you are an attorney yourself, but  
23 this is cross-examination.

24 THE WITNESS: I was answering the question. Literally  
25 my process is to write what I am doing simultaneously or within

0873RHE5

Lask - Cross

1 the same day. That's what I testified to.

2 Q. Is there anything that can corroborate your testimony that  
3 you didn't write this 5 years after the fact?

4 MR. FERRANTE: Your Honor, I object.

5 THE COURT: Overruled.

6 A. This is my calendar. This is what I kept. I testified to  
7 that.

8 MR. LONERGAN: Could you read the question back,  
9 please.

10 THE COURT: "Is there anything that can corroborate  
11 your testimony that you did not write this 5 years after the  
12 fact."

13 A. And I said, I testified, yeah, the corroboration is me. I  
14 am sitting here. You called me as your witness. I'm sitting  
15 here.

16 Q. And can anything or anybody corroborate that fact that you  
17 just said, beyond you in your own little world, making this  
18 entries, is there anything that?

19 MR. FERRANTE: Your Honor, objection. Your own little  
20 world.

21 Q. You didn't concoct this from whole cloth?

22 MR. FERRANTE: Objection.

23 THE COURT: Counsel, he asked a question. He finishes  
24 his question. You object. And then I rule. The objection is  
25 overruled. Go ahead.

0873RHE5

Lask - Cross

1 A. I don't know what you mean by my own little world.

2 Q. Please answer the question. Is there anything to  
3 corroborate the fact that you wrote these contemporaneously?

4 A. I answered that before and I said you called me up here,  
5 you asked me questions, and I testified these are my bills.  
6 I'm corroborating it.

7 Q. No. How about beyond you, beside you, you can say anything  
8 you want. You can write anything you want. I want external  
9 evidence to show that you didn't just concoct these out of  
10 whole cloth. And there is nothing, right?

11 A. You know, yeah, there would have been much more, in fact  
12 when this was raised, the judge ordered --

13 THE COURT: Hey. We're not getting into what the  
14 judge ruled or didn't. The question is, are you aware of any  
15 other evidence, beyond your own testimony and the document  
16 itself, that it was made contemporaneously, the day of, and not  
17 at some point in the future?

18 THE WITNESS: I have answered this three times. These  
19 are my calendars we make and transfer them over to the final  
20 bill. I'm corroborating it.

21 Q. How about besides you?

22 A. Who else would be doing my billing?

23 Q. You tell me.

24 THE COURT: Let her finish. One at a time.

25 A. I'm sorry. What?

0873RHE5

Lask - Cross

1 Q. Tell me who could have corroborated this?

2 THE COURT: Let's not talk about who could. Let's  
3 talk about who did or who was there to do so. Let's not  
4 speculate about who could.

5 A. What's the question?

6 Q. Did anybody besides you know anything about these calendar  
7 entries that were allegedly made back in 2012 or 2013?

8 A. Not allegedly. I testified that they were made and  
9 simultaneous, and it's me. They're my calendar. Why would  
10 anybody else be going over my calendar with me?

11 Q. Because you could fudge them. Because you could  
12 conceivably have written these 5 years ago and not at the time  
13 in anticipation that maybe there would be some questions in  
14 this litigation about it. That's why. And I am asking you  
15 again, besides -- let me ask you something else --

16 A. No, I want to answer.

17 THE COURT: Whoa, whoa, whoa. You did make a little  
18 speech there. She wants to answer that. I am going to allow  
19 her to answer that.

20 Please make sure your questions are questions and not  
21 narratives.

22 Ms. Lask, you may answer.

23 A. Yes. Thank you for reminding me. Because, wow, you just  
24 remind me exactly what happened. Which was these were  
25 presented and ready for the plaintiff to come to my office,

0873RHE5

Lask - Cross

1 over 5 years ago, when this case started, and get all the  
2 documents, and they refused and that was a ruling in this  
3 court. This was already gone over.

4 MR. DOLLINGER: Note the objection.

5 A. They did not show up and get these documents. So I can't  
6 help, you know, you coming the day of trial and saying -- they  
7 also had a right to depose me about it.

8 THE COURT: Hey. Yeah, again, Ms. Lask, I am going to  
9 warn you for the last time. Answer the question. Do not go  
10 into lawyer mode and start making arguments.

11 And counsel, please ask questions without the long  
12 narratives. We have had the same question asked five times,  
13 and each time the witness has not identified anything or  
14 anybody other than herself and her document.

15 Q. There is no time stamp on any of these calendar entries,  
16 right?

17 A. There doesn't have to be a time stamp. These are the  
18 calendars. Of course there isn't a time stamp. I'm answering  
19 the question.

20 THE COURT: Yes or no, there is no time stamp. No.

21 THE WITNESS: But, your Honor, actually I don't  
22 understand what time stamp he's talking about on a calendar.  
23 Other than --

24 THE COURT: Hey. Stop. I will duly note and I will  
25 take that as an objection. And I will sustain it to the extent

0873RHE5

Lask - Cross

1 it suggests that it is required to have a time stamp.

2 THE WITNESS: Correct. Thank you.

3 Q. Let's just continue, all right. Just what's been put up so  
4 we looked at 10/24. Let's look at 10/25. Again we have  
5 shorthand. Looks like research civil rights cases, fee cases,  
6 continued drafting complaint. Continue TC. RR. RR e-mails  
7 draft reply. Four hours.

8 Question. What of those four hours from reading this  
9 document can you say was speaking about the drafting of the  
10 complaint? Can you tell?

11 A. Again it is a total of the work that day. So I would have  
12 to go to my underlying to, like we did before, and go down  
13 point by point.

14 Q. So if Maggie Karn's looking at this, drafting federal  
15 complaint, what are you communicating to her?

16 A. Exactly what she knew was happening in her own case that  
17 she was very involved in. She testified earlier she was. If  
18 she didn't understand, she could have asked me if she didn't  
19 understand the communication.

20 Q. Certainly, you have mashed together a lot of work in about  
21 a line and a half. Correct?

22 A. What line and a half?

23 Q. I am looking at 10/25.

24 A. And what's the other half?

25 Q. So that's 10/25 has a line and a half of research civil

0873RHE5

Lask - Cross

1 rights down to --

2 A. In the same block.

3 Q. Yes.

4 A. Yeah, it says I'm having conferences with her. Telephone  
5 conferences. I'm talking about I'm drafting the complaint, I'm  
6 receiving e-mails from Rosemary Rivieccio, I'm drafting a reply  
7 to the state motions.

8 Q. It doesn't say that. It doesn't say draft reply to the  
9 state motions, right? You could have if you wanted to have  
10 spelled all of this out, correct?

11 A. No. We don't do that. Like I said, this is what I learned  
12 how to do my bills. For 35 years I've been doing this and  
13 never had a problem. And I've been in civil rights cases and  
14 I've sent the same bills to federal judges and they have  
15 determined my legal fees, when we ask for legal fees, receipt  
16 review, draft complaints, five hours here, research. If an  
17 attorney would start putting everything in the underlying, I  
18 showed, as I explained before, it would be 25 pages. If anyone  
19 had a question, we bring out our underlying.

20 Q. It is a lot easier then later if things are vague and  
21 indecipherable for you to say whatever you think it might mean?

22 A. No, that's not true.

23 Q. That's what you've been doing so far today isn't it?

24 THE WITNESS: Objection.

25 THE COURT: Sustained.

0873RHE5

Lask - Cross

1 Q. So why not just make them clearer though and avoid having  
2 these self-serving calendar entries?

3 A. Okay.

4 THE COURT: Leave it to your attorney.

5 MR. FERRANTE: Objection, your Honor.

6 Q. No. Why not just have --

7 MR. FERRANTE: Objection. Why not just have?

8 THE COURT: I need to hear the whole question.

9 Q. Why not just spell out what you have written in these  
10 calendar entries? Why the secrecy, the subterfuge? Why not  
11 put them in your bill so you wouldn't be sitting here and  
12 having taken up these people's days.

13 Why? Why is that?

14 MR. FERRANTE: Objection, your Honor.

15 THE COURT: The objection is overruled. Answer the  
16 question.

17 A. I'm sorry. You said we're wasting people's --

18 Q. Yes, we are. Absolutely wasting people's time.

19 A. This is your case, you brought it.

20 THE COURT: Ms. Lask and counsel, let's not comment  
21 upon people's time. Let's focus on the issue in the case,  
22 please.

23 Q. Why not just spell it out?

24 A. You asked me that three time. Clients get a legend. They  
25 know what's happening. And they can always, they are in their

0873RHE5

Lask - Cross

1 own case, they know what's happening each day when I'm -- what  
2 do you call it -- putting in the billing. If they have any  
3 question, call me up, I'll pull out the underlying, we'll go  
4 over it. No client -- most clients don't have a question  
5 because they know their own case. And I'm answering the  
6 question.

7 Q. This says draft federal complaint. Did you submit any of  
8 the drafts?

9 A. I don't think I was finished answering when you  
10 interrupted.

11 THE COURT: No, I think that was enough of an answer,  
12 go ahead.

13 Q. Did you submit any of the drafts of the federal complaint  
14 in this action?

15 A. What?

16 Q. Did you submit any of the drafts that you speak right there  
17 drafting the complaint. Did you submit any of your work  
18 drafting complaint that you referred to right there?

19 THE COURT: When you say submit, though, what do you  
20 mean? Do you mean filing with the court or do you mean  
21 something else?

22 Q. Include as evidence. Include in discovery.

23 A. What? Right where, where were you pointing, where do you  
24 want me to look?

25 Q. You said right here you're drafting the federal complaint.

0873RHE5

Lask - Cross

1 Right?

2 A. Where? Where? Which one?

3 Q. 10/25 continue drafting complaint.

4 A. And I'm drafting.

5 Q. Okay. Did you submit any drafts of the federal complaint  
6 that you referred to there in this action?

7 A. Drafts where?

8 MR. LONERGAN: Judge, I've been going at this for a  
9 half hour. I haven't gotten a single straight answer.10 THE COURT: Well, this refers to drafting federal  
11 complaint. Were there drafts that preceded the final version?

12 THE WITNESS: Your Honor --

13 THE COURT: I am asking a simple question. Were there  
14 drafts that preceded the final version?15 THE WITNESS: I want it corrected because it refers to  
16 drafting complaint. I think I was drafting other complaints on  
17 10/25 and I testified to that.18 THE COURT: Right now I'm seeing words that say draft  
19 fed complaint. Well compl. Pretty much says fed complaint to  
20 me.

21 THE WITNESS: Intentionally.

22 THE COURT: But the question is, did you have drafts  
23 that preceded the final version?

24 THE WITNESS: As I testified before, your Honor --

25 THE COURT: Let's put it a different way. Sometimes

0873RHE5

Lask - Cross

1 people keep drafts of their document that they are working on.  
2 Sometimes they just work on a document continuously and don't  
3 keep drafts. So I think the first question that needs to be  
4 asked before whether she provided drafts is whether she had  
5 any.

6 THE WITNESS: Thank you, your Honor. That helps. I  
7 use Word document. And everyone knows you -- you have  
8 something up on your Word document, drafting means I am  
9 drafting. Revising, whatever I am doing, it's one document.  
10 The Court just explained, and that's what -- that's exactly  
11 what I do. So Word doc, I'm not doing drafts like 30 years ago  
12 where you do a draft and then you print it out and we put in a  
13 box. It's all electronic. So I was using one document,  
14 drafting and revising.

15 Q. But if you had submitted drafts, wouldn't that help clarify  
16 what complaint you were referring to throughout these bills?

17 A. Submitted drafts.

18 Q. Drafts of any documents that you are talking about to  
19 corroborate what complaint you're referring to. You said there  
20 were multiple complaints.

21 MR. FERRANTE: Your Honor, it's asked and answered.  
22 She said she works off of one document in electronic updates.

23 THE COURT: Sustained.

24 Q. So let's look at 10/31. Continued draft fed complaint. I  
25 guess continued drafting federal complaint 10/31, correct?

0873RHE5

Lask - Cross

1 A. Yes.

2 Q. That is the first federal complaint we're talking about  
3 there, right?

4 A. I'm drafting a federal complaint.

5 Q. And is that the first federal complaint?

6 A. There was only -- yes. The first as we're here for is  
7 10/24 to February 5.

8 Q. Then 10/11 research issues. How is the client supposed to  
9 know what issues you are researching there?

10 A. Again, she knows what's happening. As she testified, there  
11 were many e-mails and I was sending her e-mails, she was  
12 sending me e-mails back. I would send her, hey, look at this  
13 research. I testified and told you how she was telling me  
14 about research that she would find. So she knows what we're  
15 researching. If she had a question, she could have asked. She  
16 know what her own case is, every client does. She's not  
17 unsophisticated.

18 THE COURT: Ms. Lask.

19 Q. I know you like to talk but please just answer my  
20 questions.

21 A. I answered it, but she yeah --

22 THE COURT: Ms. Lask, keep it short and to the point,  
23 please.

24 Q. So you were researching several different issues at the  
25 time. Correct?

0873RHE5

Lask - Cross

1 A. 11/2, you were doing a lot of different work. You  
2 ultimately charged \$345,000 for all the work you did.

3 THE WITNESS: Objection. That is not the number in  
4 this case.

5 THE COURT: Ms. Lask, let him finish.

6 Q. Research issues, how is my client supposed to know what  
7 case or what matter you're researching issues about.

8 A. Because we're talking almost every day we're talking and  
9 we're e-mailing and we're discussing. So she knows what we are  
10 doing every day.

11 When I'm doing things and also, if I'm putting down  
12 research issues, she knows I am doing her custody case. And  
13 I'm doing -- if I'm researching issues, she knows I'm  
14 researching civil rights. In fact she testified Ms. Lask was  
15 researching about the civil rights.

16 Q. Isn't it very useful now it's so vague that you can say,  
17 well, it's really pertaining to this, pertaining to that, even  
18 though it says compl T, well it was really complaint to the  
19 Article 78 which is really a petition. Doesn't that give you  
20 all kinds of leeway now to tell this court and tell this jury  
21 what you really meant at the time and, oh, you have these  
22 alleged contemporaneous records, how easy does this make it  
23 it's so vague, it makes it easy for you to say what it pertains  
24 to correct?

25 A. Wrong. You are accusing me of being a liar and --

0873RHE5

Lask - Cross

1 THE COURT: "Wrong" is fine as an answer.

2 (Continued on next page)

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0873RHE5

Lask - Cross

1 (In open court; jury present)

2 BY MR. LONERGAN:

3 Q. Okay. 11/13, let's look at that. 11/13 reads, psyche rep.  
4 STP cash R/R trans 810: research constitutional cases it looks  
5 like, revise complaint.

6 Question: What complaint are you referring to there?

7 A. I testified earlier I'd have to look at my underlying, but  
8 at that time, I was doing various complaints, the Article 78  
9 complaint that we showed the --

10 Q. Which one was this?

11 A. I'd have to look at my underlying, like I did before.

12 Q. Why can't you tell from this timeline, from this time  
13 sheet?

14 A. That's the purpose of this timeline.

15 Q. Well, that's nice and vague.

16 A. I'm sorry.

17 THE COURT: Let each other finish, please, counsel.

18 Were you done answering the question?

19 A. I forgot after what he just did.

20 THE COURT: All right. Let him ask.

21 Go on.

22 Q. So you're asking the jury today to decipher what you mean  
23 by revised CLMPL, right?

24 MR. FERRANTE: Objection, your Honor.

25 Q. Just like you asked Maggie Karn, I used shorthand, you're

0873RHE5

Lask - Cross

1 asking the jury to do the same thing. Is that their job?

2 A. No. We're not here to decipher anything. You're here to  
3 prove that case. I told you I gave her the legend. You  
4 decided not to bring it. That's not my fault.

5 Q. Where is the legend?

6 A. You tell me where it is. You didn't enter it into  
7 evidence.

8 Q. I'm asking, is there any legend?

9 THE COURT: Enough.

10 Q. You're saying you gave it to my client and you didn't keep  
11 a copy of it?

12 THE COURT: Enough. You've already established that  
13 the witness testified that there is a legend that she has  
14 testified to and it is not in evidence. That's all we need to  
15 know.

16 Q. Okay. Let's go to 11/28. I mean, I can barely make this  
17 out. CNT' CMPL, R/R emails with slash Sarah pics across the  
18 street, 1.5 hours.

19 What is CNT -- I don't know if it's an E or C. CNT,  
20 what is that?

21 A. Continue complaint.

22 Q. Which one?

23 A. I told you I'd have to look at the underlying. That's the  
24 purpose of it.

25 Q. Do you know sitting here looking at that entry? Do you

0873RHE5

Lask - Cross

1 know --

2 A. I'm not going to make a guess.

3 THE COURT: Let him finish his question.

4 Q. You don't, right? You have no idea?

5 MR. FERRANTE: Your Honor, objection. It's been asked  
6 and answered. If he'd like to show her Exhibit Six to look at  
7 it, that's --

8 THE COURT: Overruled.

9 I think the point has been established well enough for  
10 everyone here that there is more detailed information and  
11 underlying information that Ms. Lask had but Ms. Karn did not,  
12 and that even Ms. Lask needs to look at her notes to determine  
13 what certain things in here refer to.14 Q. But doesn't it make it easier for you to assign different  
15 meanings to different words when you're not precise? Doesn't  
16 it?17 A. You asked me that before and I told you that this is the  
18 bill. If anyone has a question, the client knows what's  
19 happening on a daily basis, she's in court with me, she's  
20 writing me emails, we're actually talking about -- she could  
21 have had conversations with me about this, and maybe we did  
22 have them. I don't remember it now. But she knows. You know,  
23 right now sitting here, she never had an issue. She never  
24 asked about the complaint. She testified to it -- I'm sorry,  
25 not the complaint. I apologize. The billing.

0873RHE5

Lask - Cross

1 Q. So --

2 A. She personally understood everything that was happening.

3 Q. She did? She perfectly understood it?

4 A. I just said that.

5 Q. How do you know that?

6 A. Because I was with her every day in this case, in the  
7 trenches, and she knew what was happening on November 28, she  
8 knew what was happening on November 29.

9 Q. And you went through this with her --

10 A. If I had to, I would have. I don't remember sitting here  
11 this day. Honestly, she never -- I couldn't even recall to  
12 this day. I know there was never any issue of what was  
13 happening, because she was in it day by day with me. She knew  
14 I was drafting these complaints. She was sending me emails.  
15 We established the other day about the Judge Hoffman complaint  
16 she was doing. She knew what was going on. So many different  
17 things --

18 Q. Which complaint you said?

19 A. The complaint to administrative judges I spoke about.

20 Q. A petition or a complaint?

21 A. I'm sorry?

22 Q. A petition or a complaint?

23 A. I just said a complaint.

24 MR. DOLLINGER: A letter?

25 Q. How many different complaints did you work on for Maggie

0873RHE5

Lask - Cross

1 Karn?

2 A. In the -- there was the complaint to Judge Hoffman, and the  
3 administrative judges that I talked about. I mean, it's going  
4 to take me a little time to remember. There was about Referee  
5 Burnett. Maggie Karn wrote her own complaint and had me review  
6 it. I wrote mine for her as her attorney. So that's the  
7 complaint -- I testified about that earlier.

8 I was doing the Article 78 complaint during this time.  
9 I was doing -- I have to look at my underlying notes a little  
10 bit, because, again, I'm not right there in 2012 like me and  
11 Maggie were as this was happening realtime, but there were --  
12 Q. Maggie didn't have the underlying notes, did she? She had  
13 this document?

14 A. You asked me three times.

15 MS. LASK: Objection, your Honor. It's over and over  
16 again, and I answered.

17 THE COURT: Again, let's be economical in what we're  
18 doing. You have asked that question repeatedly. I understand  
19 the witness is giving speeches repeatedly. Let's move it  
20 along.

21 Q. All right. How about 12/2, COMT' CMPL and review  
22 commission report? Which complaint are you referring to in  
23 12/2?

24 A. As we went over before, if my underlying was in front of  
25 me, I'd have to go look at it. I'm not here in realtime --

0873RHE5

Lask - Cross

1 Q. You can't support your own bill right now?

2 A. Yes, I would if you would show me the underlying.

3 Q. Why do I need the underlying bill? This is what you sent  
4 to my client. I'm asking you to explain it. You made it so  
5 vague it's impossible to tell what you're referring to.

6 I'm asking, which complaint is referred to on 12/2?

7 A. If you show me the underlying --

8 MR. FERRANTE: Your Honor, it's the same question over  
9 and over again.

10 THE COURT: Sustained. She says she needs the  
11 underlying to identify which complaint it is. Let's move on.

12 Q. Then it says, review commission report. That's the marital  
13 commission report you mentioned on direct?

14 A. It's the matrimonial committee.

15 Q. And you billed Maggie Karn to read that report?

16 A. It's called research. Yes.

17 Q. Okay. Did you bill any other clients for that?

18 A. I'm sorry? What?

19 Q. Did you bill any other clients for that work?

20 A. What other -- she was my only client here.

21 Q. The only client you had at the time?

22 A. You know what? To tell you the truth, yes, basically.

23 Yes, because if you look, I was working for her every day.

24 This was a huge case. There was a libel -- so, yes, I was a  
25 solo at the time.

0873RHE5

Lask - Cross

1 Q. You only had one client?

2 A. Look at that case. That was three different cases. But  
3 my -- go ahead.

4 Q. That commission report, is that not general lawyer  
5 information that you need to know for your profession and to be  
6 a good lawyer?

7 A. No, not -- no. The answer is no, not at all. You have to  
8 do your research. To be a good lawyer, you'd have to read that  
9 76-page detailed report. There's no requirement for what I was  
10 doing for her to make the argument in the complaints and the  
11 Article 78 and the appeal, and they specifically have the  
12 matrimonial commission -- no, we don't sit there and read the  
13 report.

14 The last thing I want to do is sit and read the  
15 article -- the matrimonial report, unless I have to, and in  
16 this case, I did.

17 Q. Okay.

18 A. It's not required reading for anybody.

19 Q. The substance of the report had absolutely no bearing on  
20 any other work you were doing at the time?

21 A. No. It -- I read it for her. What other work?

22 Q. So the commission report that you billed Maggie, how  
23 much -- four hours on 12/2, how much of that time did you spend  
24 reviewing the commission report?

25 A. We'd have to look at the underlying.

0873RHE5

Lask - Cross

1 Q. You can't tell me sitting here right now?

2 MR. FERRANTE: Your Honor, again, if he wants to use  
3 the underlying detailed billing --

4 THE COURT: No. Overruled. He's establishing a  
5 point, but I think we've made clear he's established the point.  
6 There are certain things that she would need her underlying  
7 information to give you the answers you're looking for.

8 Q. Okay. Let's jump down -- I don't want to lose my -- 12/20,  
9 revise research cases.

10 What is this about?

11 A. I testified to -- same thing we've been talking about over  
12 and over again. If you show me my underlying -- you know, just  
13 as you're asking, if a client had said, oh, what were you  
14 revising, although they would know, because it's realtime and  
15 we know what we're doing, and we're sending emails even -- I  
16 would send her my research in realtime, and she said it, she  
17 knew I was researching. She would send me her research. So on  
18 that day, there could have been an email, and I'm like, Maggie,  
19 look at this. She's sending me emails. Susan, look at this  
20 research I found. Will you check it out?

21 We were both back and forth realtime. She knows what  
22 was happening. She was absolutely confused and didn't know  
23 what was happening in her case day by day. These are 10, 11,  
24 12, 13, 14, almost every day I'm working for her.

25 THE COURT: Ms. Lask, keep it --

0873RHE5

Lask - Cross

1 A. Okay.

2 Q. 12/17, I don't want to read that all into the record, but  
3 that is five hours, and within there we have, revise complaint  
4 summons S.D.N.Y. file docs.

5 You testified that you didn't bill any of that time to  
6 the federal action?

7 A. 12/17?

8 Q. On 12/17.

9 A. I don't recall. I don't know if I said that, but it says  
10 S.D.N.Y. filing doc.

11 Q. So, again, if I ask you about the five hours, you have no  
12 idea you would need this document that you wrote to help your  
13 memory, right?

14 A. Over ten years later, I need my document, yeah. If it was  
15 realtime and we were there that day I'd be able to say, Maggie,  
16 no, remember, we did this and that, but if you want to see the  
17 underlying calendar, here it is.

18 Q. Okay. Or you could have just made this clear?

19 A. No. I didn't have to make it any more clear than this,  
20 because these are the kind of bills that we all submit. I've  
21 submitted this to federal judges in civil rights cases.

22 Q. Okay. How about 12/23, R.R. multiple emails re Xmas,  
23 federal complaint for last three days, draft response, .25.

24 That's like 15 minutes, right? You on direct said  
25 that you didn't bill for everything. Is that true that you

0873RHE5

Lask - Cross

1 didn't bill for everything?

2 A. Absolutely.

3 Q. How do you know what you billed and didn't bill for?

4 A. Here's my bill. This is the purpose of the bill and the  
5 underlying.

6 Q. What didn't you bill for?

7 A. I'm sitting there one day -- I'll explain. What date are  
8 we on?

9 Q. I have 12/23.

10 A. Okay. So say it's 12/23 and I could have done actually  
11 more work, I generally err to charging the client less,  
12 especially a client like Maggie Rhee that had about five cases  
13 going on at the same time. And if you look at my further  
14 bills, it says "good client discount," meaning -- and it says  
15 also, "I do not charge for everything I did." So --

16 Q. But now you say that you didn't charge for the federal  
17 complaint, so we don't owe a refund for it; isn't that correct?

18 A. I'm sorry? Say that again.

19 Q. Could you read it back? That's a clear question.

20 A. But it's your tone that's throwing me off.

21 THE COURT: Okay. Ms. Lask, no need to comment on  
22 tone. If there's an objection to tone, that can be made.

23 Counsel, please just ask straight forward, without  
24 unnecessary intimation.

25 Q. Please answer the question as posed.

0873RHE5

Lask - Cross

1                   MR. LONERGAN: Could the reporter read the last  
2 question back?

3                   THE COURT: Yes.

4                   "But now you say you didn't charge for the federal  
5 complaint, so we don't owe a refund for it; isn't that correct?

6 Q. You don't owe a refund?

7 A. What do you mean, I don't owe a refund?

8 Q. So you don't owe my client a refund for anything that  
9 wasn't billed, right?

10 A. Oh.

11 Q. It wasn't billed; you're not going to refund --

12 A. Wasn't billed -- you're right. I was giving her a discount  
13 left and right.

14 Q. So why are you saying now all discounts on the first  
15 federal complaint, and you didn't bill, you didn't charge for  
16 it, although really I can't tell from this document -- you're  
17 saying "I didn't bill you for it," even though it's right  
18 there?

19 A. Right. Some was billed. I gave her -- I billed some.  
20 It's substantially less than would take to produce a complaint  
21 like that. If you remember, I explained the Article 78, the  
22 appeal, and towards the end, the federal complaint started.  
23 Starting around October 24, I was working on all three at the  
24 same time. Everything in that Article 78 is in the first  
25 federal complaint.

0873RHE5

Lask - Cross

1 Q. How much time --

2 A. About all of the work --

3 Q. About how much time did you spend rewriting the first  
4 federal complaint, research, writing the first federal  
5 complaint?

6 A. Well, it was all time I charged for the Article 78. I'm  
7 not going to charge a -- double charge a client for -- meaning  
8 the work in the federal -- I'm sorry. You were huffing.

9 THE COURT: Just answer the question.

10 THE WITNESS: Your Honor, he's making faces to the  
11 jury.

12 THE COURT: Just answer the question, please.

13 A. All of the work in the Article 78 involved, and we went  
14 over it, the transcripts, the many thousands of pages of  
15 transcript from her trial before I came to the case, so I take  
16 those transcripts, and I have to read them and digest them.  
17 You will see that those transcripts of -- citations in the  
18 Article 78 are right in the first federal. So I'm not going to  
19 charge her \$20,000 for putting together a first federal  
20 complaint when I'm charging her for the work in the Article 78.

21 I'm not necessarily saying it was \$20,000, but I'm  
22 giving it a number. So if I'm working on the Article 78 and  
23 I'm digesting documents to get the Article 78, and then I bring  
24 it over to an appeal, you will see that the charges for the  
25 appeal are less. The Article 78 was more substantial, and

0873RHE5

Lask - Cross

1 everything from there was transposed into the federal.

2 Why would I double charge her for --

3 THE COURT: Ms. Lask, you're repeating yourself.

4 A. I'm trying to answer.

5 THE COURT: You're repeating yourself, though.

6 Q. Okay. When is the first time the word Article 78 appears  
7 on your time sheets?

8 A. Well, I don't know. Nothing's in front of me. I don't  
9 have a photographic memory from --

10 Q. You have no recollection of when you first charged my  
11 client for the Article 78 proceeding?

12 A. If you put something in front of me, I can show you. Or  
13 you should show me.

14 Q. So it's highlighted, 2/4 research Article 78.

15 A. Well, no, but that's not. I called the Article 78 -- it  
16 was a complaint. It is a complaint. I showed you how it is a  
17 complaint, and it's verified.

18 Q. Okay.

19 A. And I call it a complaint so much longer before that  
20 Article 78.

21 Q. I haven't asked you anything yet.

22 A. Excuse me?

23 Q. I haven't asked you anything yet.

24 A. Your last question was when was the first time you charged  
25 for the Article 78, and it was long before 2/4.

0873RHE5

Lask - Cross

1 Q. Okay. When is the first time the words Art 78 appear in  
2 your billing?

3 A. You'd have to show me the whole bill.

4 Q. Okay. Let's look. This is what I have. So this is 1457.

5 A. It's upside down.

6 Q. Sorry.

7 It's 1457, 517 through 817.

8 Is there any mention of Article 78 on that page?

9 A. No. It started around October, if you want to go directly

10 --

11 Q. One time, a straight answer.

12 A. I just said no.

13 THE COURT: But you did add information that on the  
14 other hand -- the information was not answering the question,  
15 but overruled.

16 If you can answer yes or no, answer yes or no.

17 Q. Bates stamp 1458. I'll just show you the Bates stamp at  
18 the bottom.

19 Tell me if the words "Article 78" appear anywhere on  
20 this time sheet.

21 A. I don't see those words.

22 Q. I'll show you the rest of it.

23 Okay. Let's go to 59. Tell me if the words "Article  
24 78" or any shorthand of Article 78 appears on 59.

25 A. No.

0873RHE5

Lask - Cross

1 Q. Okay. I'll show you the rest of it, so you can see it.

2 And then we have document 60. I'll just show you that  
3 it's 1460.

4 Okay. Do we see the words "Article 78" anywhere  
5 there?

6 A. I don't, no.

7 Q. And, lastly, this is 1461.

8 And we see "Article 78" for the first time  
9 February 4th, correct?

10 A. Correct.

11 Q. Why have you not included the words "Article 78"  
12 previously?

13 A. Because I was drafting it, and then it was ready around  
14 February 4th to be filed, so I called it an Article 78. I was  
15 drafting the complaint.

16 Q. Did you not know it would be an Article 78?

17 A. I was drafting -- I was considering the Article 78. It was  
18 concluded at around that time definitely. I wanted to file the  
19 Article 78, so I called it an Article 78.

20 Q. Okay. How about before that? Did you bill time for it?

21 A. Before when?

22 Q. Before February 4th.

23 A. Yes.

24 Q. And why didn't you call it an Article 78 then?

25 A. Because I called it a complaint. When it was ready to be

0873RHE5

Lask - Cross

1 filed, I called it an Article 78 petition.

2 Q. Why? Why so vague? Why so -- why prevaricate like that?

3 I don't get that. Why call it one thing, call it another, and  
4 now here we are trying to divine your intent from this  
5 document, which we just cannot do, because you are all over the  
6 place with the word "complaint?" Isn't that right?

7 MR. FERRANTE: Your Honor, I object to that question.  
8 It's been asked 100 times. It's the same answer. If he wants  
9 to --

10 THE COURT: Yes, it's argumentative.

11 Move on.

12 Q. All right. Did you bill my client for the second federal  
13 complaint?

14 A. The second complaint that was filed nine months later, yes,  
15 I billed her.

16 Q. You billed her for that as well as for the first complaint,  
17 right?

18 A. The first complaint -- I don't understand your question.

19 Q. You billed -- isn't it true that you billed Maggie Karn  
20 tens of thousands of dollars for the first complaint and then  
21 tens of thousands of dollars for the second complaint?

22 A. No.

23 Q. How is that not true?

24 A. We just established it was 3,000 something dollars, because  
25 I didn't want to double charge her because the Article 78 and

0873RHE5

Lask - Cross

1 the appeal and the first federal were all mainly the Article  
2 78. And the issues in the Article 78 are literally the same  
3 facts that were in the first federal. The work to get -- I'm  
4 answering the question. I want to give you a very -- you know,  
5 a good response, so you understand.

6 I said, the first federal, I am not going to charge  
7 her tens of thousands of dollars when I'm already working on  
8 the Article 78 and the appeal, and the work, the same work that  
9 was done in the Article 78 that she was charged for, I said it  
10 before. All those transcripts I had to research, the same  
11 state law cases I had to research was charged for the Article  
12 78 in the appeal. The appeal was less money than the Article  
13 78 for the very reason if you go down the line, the appeal's a  
14 duplicate of the Article 78. Nearly the same issues, same  
15 things.

16 And then when you get to the first federal, you'll see  
17 it's the Article 78, plus, you know, some more. I'm not going  
18 to charge her for reviewing transcripts and then go to the  
19 federal case and say -- and double charge her for the same  
20 transcript. I already reviewed them.

21 Q. Do you have your time sheets in evidence for what time you  
22 spent on the second federal complaint?

23 A. I was a -- that's a question for Mr. -- I'm not sure --  
24 evidence where? Here? When?

25 MR. LONERGAN: Judge, I don't really know how to

0873RHE5

Lask - Cross

1 handle this. I asked a very straight forward question.

2 THE COURT: Well, you asked whether it's in evidence.  
3 That's a question for the Court.

4 THE WITNESS: Yeah.

5 Q. Do we have your -- are you able to show this jury what you  
6 charged for the second complaint, so you can show the  
7 difference between what you charged for the first and charged  
8 for the second?

9 MR. FERRANTE: Judge, I object to the form of the  
10 question. Show the jury --

11 THE COURT: Overruled.

12 MR. FERRANTE: -- about evidence that's not here --

13 THE COURT: Overruled. Go ahead.

14 A. Am I -- could you ask it again?

15 Q. Pulling teeth.

16 A. I'm sorry. What was your comment?

17 Q. I said pulling teeth, it's like getting --

18 MR. FERRANTE: Your Honor, objection.

19 THE COURT: Counsel, keep your comments to yourself.  
20 No need to mutter under your breath. Be professional, please.

21 Q. You charged Maggie Karn money for the second federal  
22 complaint, right?

23 A. Because I was working, yes.

24 Q. How much did you charge her for the second federal  
25 complaint?

0873RHE5

Lask - Cross

1 A. I don't have that in front of me.

2 Q. Well, I'm asking you now, do you recollect how much you  
3 charged?

4 A. I couldn't possibly tell you.

5 THE COURT: The answer is yes or no. You do or you do  
6 not.

7 A. No, I can't recollect.

8 Q. But you did charge Maggie Karn for working on that second  
9 complaint, right?

10 A. You asked me three times, and I answered it three times.

11 Q. So the answer is yes?

12 A. Of course I worked --

13 Q. After charging her tens of thousands of dollars for the  
14 first federal complaint, you then charged money additional for  
15 the second federal complaint, right?

16 A. I never said I charged her tens of thousands of dollars.

17 Q. So do you have Exhibit Two?

18 A. I don't have anything in front of me.

19 Q. Okay. I went through that with you. And, again, I don't  
20 want to go and beat a dead horse here, but I'm really trying to  
21 divine from your document that you wrote --

22 A. I can't see that. I wish I could.

23 Q. This is Exhibit Two.

24 THE COURT: Ms. Lask, wait for a question.

25 Q. This is Exhibit Two, and I'm just of trying to divine what

0873RHE5

Lask - Cross

1 you charged my client for the first federal complaint. And  
2 it's impossible, isn't it?

3 A. No.

4 Q. Because you wrote very vague entries on your time sheet,  
5 and I see now it's deliberate, because now you have all kinds  
6 of wiggle room, don't you?

7 MR. FERRANTE: Your Honor.

8 THE COURT: Okay. Counsel, enough with the  
9 argumentative questions. Your point has been made about 15  
10 times. Let's move on.

11 MR. LONERGAN: All right. You know, I'll finish up,  
12 Judge.

13 Excuse me one minute, Judge.

14 Q. The research that you refer to in your time sheets, have  
15 you produced that research in this action in discovery?

16 A. Yes. Actually, I re-- yes. It was in emails. There was  
17 research. It was in my long color sheet of exhibits of the  
18 entire file. And it shows all the research in the folders and  
19 everything I did.

20 And I also invited you and your counsel -- your  
21 plaintiff's counsel to come to my office and look at  
22 everything, which is what is done, and nobody showed up.

23 MR. DOLLINGER: Objection, your Honor.

24 THE COURT: Overruled.

25 Q. Again, I want to make this clear, you said there was a

0873RHE5

Lask - Cross

1 legend provided, but I don't see there was ever a Bates Stamp  
2 legend submitted in discovery? Is this true?

3 A. I'm waiting for my counsel.

4 MR. FERRANTE: Your Honor, it's been asked and  
5 answered several different times.

6 MR. DOLLINGER: Your Honor, this goes to clarity --

7 MR. FERRANTE: Several different --

8 THE COURT: One at a time.

9 MS. LASK: Your Honor --

10 THE COURT: Hold on. Ms. Lask, you said you produced  
11 your file in this action. Did that include your communications  
12 with Ms. Karn?

13 THE WITNESS: She produced a lot of my communications.

14 THE COURT: I'm asking --

15 THE WITNESS: Yes. Yes.

16 THE COURT: What you produced, did it include your  
17 entire file with Ms. Karn?

18 THE WITNESS: I produced an index of the entire file,  
19 which was about 30 pages, and they were invited to come and  
20 take copies of anything they wanted. And they didn't come and  
21 get it.

22 THE COURT: All right.

23 MR. DOLLINGER: May I clarify, your Honor? Because I  
24 think it confuses the jury.

25 THE WITNESS: We're not supposed to argue.

0873RHE5

Lask - Cross

1 THE COURT: One at a time.

2 MR. DOLLINGER: Is this a sidebar situation, your  
3 Honor?4 THE COURT: Yes. Right now move on. We'll come to  
5 that later. Move on.

6 MR. DOLLINGER: Yes, sir.

7 Q. How about the calendar entries? Did you include the  
8 calendar entries on the motions that you included in this case?

9 A. I don't understand.

10 THE COURT: I don't either.

11 Q. Okay. There were prior motions in this matter, correct?

12 THE COURT: This case that we're litigating now?

13 Q. This case that we're litigating right now, correct, there  
14 were underlying motions that went to -- there was an appeal,  
15 correct?

16 THE WITNESS: Your Honor, my counsel is not rising.

17 MR. FERRANTE: I don't understand what the question  
18 was.19 THE COURT: Overruled, but you did say motions and  
20 then you referred to an appeal, so just be clear.

21 Q. Okay. There were motions filed in this action, right?

22 A. That were here, of course. It was litigated. It's called  
23 motions.24 Q. Did you include calendar entries as exhibits in those  
25 motions?

0873RHE5

Lask - Cross

1 MR. FERRANTE: Your Honor, I have an order from you  
2 regarding this. If you want to go to sidebar, we can --

3 THE COURT: Sustained. Sustained.

4 MR. LONERGAN: Your Honor, I'm not understanding why  
5 that is sustained.

6 What I'm trying to get, just as an offer of proof --

7 MR. FERRANTE: I would ask we have a sidebar on this,  
8 your Honor.

9 THE COURT: Look, we're not going to go into what  
10 happened in this litigation in terms of the history of this  
11 document.

12 MR. LONERGAN: Your Honor, it goes to --

13 THE COURT: I have made rulings about that. Let's  
14 move on.

15 MR. DOLLINGER: Judge, we will have an opportunity --

16 THE COURT: We can discuss it at the end of the day.

17 MR. DOLLINGER: Yes, sir. Thank you.

18 Q. All right. And, again, you were ultimately paid about  
19 \$345,000 in this case, correct?

20 MR. FERRANTE: Objection, your Honor. It's  
21 prejudicial. It's irrelevant.

22 THE COURT: Overruled, but it is duplicative of what's  
23 been asked many times.

24 Q. Okay. But that's true?

25 MR. LONERGAN: A lot of questions I have now --

0873RHE5

Lask - Cross

1 THE COURT: Go ahead.

2 A. That's not true.

3 Q. Okay. About how much money did you receive from Maggie  
4 Karn?

5 A. I don't know. I'm sitting here -- I told you she had five  
6 different things going on and libel and everything. We're here  
7 for the specific time periods, and I know I testified to what  
8 was received.

9 Q. All right. And its been determined already that you  
10 committed malpractice in the first action, correct?

11 THE COURT: We don't need to go there.

12 MR. FERRANTE: Objection, your Honor.

13 Q. I'm just asking --

14 THE COURT: We don't need to go there.

15 A. Maggie Karn is seeking reimbursement today of about 45,  
16 \$50,000, correct?

17 MR. FERRANTE: Judge, objection.

18 THE COURT: Overruled.

19 MR. FERRANTE: I have a sheet here with the exact copy

20 --

21 THE COURT: Overruled.

22 Go ahead.

23 THE WITNESS: I don't know what she's seeking. She  
24 gave different numbers. At the opening they said 60. Another  
25 time they said another number.

0873RHE5

Lask - Cross

1                   Whatever she's seeking now, the numbers --

2 Q. Or about 15 or 20 percent of what you ultimately charged  
3 her in this action, right?

4 A. I don't know. It was never established what I ultimately  
5 charged her, and it was not even --

6 Q. And you refused to provide her that discount even though  
7 you committed malpractice, right?

8                   MR. FERRANTE: Objection, your Honor.

9                   THE WITNESS: No --

10                  THE COURT: Sustained.

11 Q. We're now having a two-day Federal Court trial over this  
12 issue, a \$50,000 issue --

13                  MR. FERRANTE: Judge, objection. He's arguing again,  
14 the same exact words.

15                  THE COURT: Sustained.

16                  THE WITNESS: I will answer it.

17                  THE COURT: No.

18                  THE WITNESS: Okay.

19                  MR. LONERGAN: All right. I have nothing further  
20 right now, Judge.

21                  THE COURT: Okay. I'm going to give the jury a break,  
22 and I'll meet with counsel and the court reporter outside in  
23 the hallway.

24                  Let's be back in ten minutes. We'll continue for a  
25 little more.

0873RHE5

Lask - Cross

1 THE DEPUTY CLERK: All rise. Jury exiting the  
2 courtroom.

3 (Continued on next page)

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0873RHE5

Lask - Cross

1 (In open court; jury not present)

2 THE COURT: All right. Let's go over --

3 THE WITNESS: Can I go?

4 THE COURT: Yes, you can go. Yes, you can go back to  
5 the table if you want, but you don't need to.

6 THE COURT: Okay. So there was an issue about certain  
7 topics, so what do you want to tell me, Mr. Dollinger?

8 MR. DOLLINGER: Your Honor, it appears to me that the  
9 language used by counsel was not full enough. All I really  
10 wanted the jury to understand and be able to ask is -- I have  
11 some questions, just as they used two counsel, I have some  
12 further questions on rebuttal and other pieces the Court is  
13 well aware of and has ruled on relevant to the impeachment.  
14 Questions related to documents used in the Court of Appeals,  
15 documents used in this court. That's clearly established, that  
16 there was, in fact, work done, and that, in fact, it shows that  
17 there is an ambiguity, and it creates some questions of doubt.

18 There are -- I agree with you, the horse has been out  
19 and beaten a few times. There is no question about it. We  
20 don't need to know anymore about the specifics other than the  
21 jury should be able to hear that there were 1,295 -- 94  
22 documents first provided, and that according to Ms. Lask, and  
23 we have no reason or no way of doubting or, pardon, proving  
24 that we doubt it other than to create the inference, which is  
25 not correct -- but the bottom line is the additional documents,

0873RHE5

Lask - Cross

1 295 I believe to -- 1,295, rather, to 1,351 or 2, those  
2 documents establish her calendar. Okay?

3 But that's what the jury needs to understand, is that  
4 we have a claim that those documents, the original documents,  
5 the first 1,295 were not -- they do not include any proof of --  
6 pardon me, of any research. And all they are is a compilation  
7 of what the other attorneys provided to her. Not what she did  
8 on her own.

9 I want to ask those questions, but I don't want to be  
10 -- I don't want to, again, beat it to death.

11 THE COURT: Well, not only has it been ruled on, and  
12 we're not going into the discovery and the number of documents  
13 produced, that's already all been --

14 MR. DOLLINGER: The content, Judge, not the number,  
15 among the 1,295 documents, where's the research?

16 THE COURT: Oh, the research itself.

17 MR. DOLLINGER: Yes, sir.

18 I agree with you, I don't want to go into what did  
19 this mean, what does that mean. Where is the research? What  
20 did you produce? The research --

21 THE COURT: She said she did.

22 MR. DOLLINGER: Where is it?

23 MS. LASK: That's for you to do it.

24 THE COURT: All I know is she said, yes. If you want  
25 to cross her on it, that's fine.

0873RHE5

Lask - Cross

1                   MR. DOLLINGER: Judge, that's my point, the narrow  
2 window. Then there are other issues here related to the  
3 ambiguities created by the Court of Appeals and the motion in  
4 reconsideration.

5                   THE COURT: Well, let's take these separately first.  
6 Okay?

7                   MR. DOLLINGER: Yes, sir.

8                   THE COURT: So in terms of what was or was not within  
9 the 1,295, we don't need to get into the numbers, she said she  
10 produced with emails or other things research, and there may be  
11 questions -- well, there are questions that were asked about  
12 that, but we're not going to get into the discovery in this  
13 case. If you can establish that it never was produced, fine,  
14 but I think you have to go through all your files.

15                  Maybe there are other questions you could ask. I  
16 don't know. But we're not going into what was or was not among  
17 the first 1,295 unless you have a way to show that.

18                  MR. DOLLINGER: Well, Judge --

19                  MS. LASK: Judge, if I may, you told us to come here  
20 prepared with exhibits, and when I couldn't find one, you gave  
21 me a minute and then -- and they have the same burden.

22                  MR. DOLLINGER: A missing evidence charge should be  
23 done, because that was a document that should have been  
24 preserved electronically and wasn't. Those documents --

25                  MR. FERRANTE: What are you talking about?

0873RHE5

## Lask - Cross

1 THE COURT: Okay. Objection is overruled. You  
2 mentioned the Second Circuit Court of Appeals.

3 MR. DOLLINGER: And I don't really want to mention the  
4 Court that much.

5 THE COURT: Right. But I had previously ruled that  
6 you could cross-examine using her statements as admissions.

7 MR. DOLLINGER: Right. And the second part of that,  
8 Judge, is that there was a motion for this Court relative to  
9 Mr. -- I can't remember his name. The prior attorney for  
10 Ms. Lask. And he rearugued -- or he moved for reconsideration,  
11 rather, and in the reconsideration it's almost identical but  
12 it's to what was before the Court of Appeals.

13 So the question is, can we use those two sets, because  
14 it would be redundant. But I don't want to do that.

15 MS. LASK: Again, your Honor, that goes to the  
16 exhibits that you held us to a standard --

17 THE COURT: Well, hold on.

18 MR. DOLLINGER: The exhibit there --

19 THE COURT: Is it --

20 MR. POLLINGER: -- it's impeachment.

24 MR. DOLLINGER: Judge, you know what? It's easier to  
25 say it one time. All right.

0873RHE5

Lask - Cross

1 THE COURT: Okay.

2 MR. DOLLINGER: And I'm going to ask --

3 MS. LASK: Your Honor, first of all, he asked me --  
4 we're continuing this?

5 MR. FERRANTE: I thought I heard "no further cross."

6 THE COURT: So did I.

7 MS. LASK: Yes, so it's done of course.

8 MR. DOLLINGER: Excuse me. You're going to --

9 THE COURT: Whoa.

10 MS. LASK: Wow.

11 MR. DOLLINGER: You're right. You're right, Judge. I  
12 apologize.

13 THE COURT: What were you going to say?

14 MR. DOLLINGER: Your Honor, I made those specific  
15 exceptions or asked for those specific exceptions before  
16 Mr. Lonergan rested.

17 THE COURT: Yes, and, regardless, we're here. I've  
18 given you permission previously to use it if you want. If you  
19 want to use it now, you can do that.

20 MR. DOLLINGER: Judge, I'm going to have Mr. Lonergan  
21 limit it to the two pages you had previously ordered that that  
22 exhibit be reduced to, pages 19 and 20.

23 THE COURT: Okay.

24 MR. DOLLINGER: I'm sure you recall.

25 THE COURT: Right. I wanted to make it narrow and not

0873RHE5

Lask - Cross

1 the whole thing.

2 MR. DOLLINGER: I'm just looking for them now, Judge.

3 THE COURT: Okay.

4 MR. DOLLINGER: And I --

5 MS. LASK: May I say again, they rested and said "no  
6 more questions." Now they're coming back and putting me on --

7 THE COURT: But Mr. Dollinger did raise the issue  
8 before Mr. Lonergan had finished, and I had said we will get to  
9 that. That's what I am --

10 MS. LASK: Oh. Oh.

11 THE COURT: That's what I'm doing now. I just didn't  
12 want to waste the jury's time.

13 MS. LASK: Okay. So they never provided me it, when  
14 you told them to correct the exhibit. Could I get a copy of  
15 what they're going to provide?

16 THE COURT: They should provide you with a copy.

17 MS. LASK: They didn't. It's not in their exhibit  
18 list.

19 THE COURT: On the other hand -- well, I'm not sure --  
20 I don't think either side has come with copies for their  
21 adversary for exhibits certainly, which is poor form. That  
22 should be done by everyone. But let's see what they have  
23 first.

24 MR. DOLLINGER: Your Honor, may I ask you, tomorrow  
25 morning is -- we should be starting at about 9:30 tomorrow

0873RHE5

Lask - Cross

1 morning, correct?

2 THE COURT: Yes, but we're finishing this right now.

3 MS. LASK: Your Honor, I also would like to say, I  
4 want to make it very clear, because sometimes I feel like I'm  
5 getting a little beat up, and this is my feeling, because when  
6 the Court said before "contempt, don't do it again," they have  
7 done it four times. Unless you want me to do a motion and say  
8 they have done it. You can't give them leeway that just  
9 because Mr. -- I forgot his name, this other attorney came in  
10 the day before, obviously he is responsible for knowing the  
11 file, knowing the Court order. Mr. Dollinger knew it.

12 And we're spending so much time wasting, going over  
13 what this Court has ruled every time, and they find every other  
14 way to try and bring this in. I'm so prejudiced. When he  
15 started saying, aren't you a JD, I saw one of the jurors look  
16 like, she's not a lawyer? I saw the look on her face. And  
17 they did it on purpose.

18 And these are -- well, why did you say it when there's  
19 an order saying not to? And you're an attorney --

20 THE COURT: Hey. You're not directing your comments  
21 to counsel. You're directing them to the Court.

22 MS. LASK: I see him shaking his head.

23 THE COURT: I shut down that questioning, and I'm not  
24 holding anyone in contempt at the moment. Both sides have  
25 plenty of conduct they could be held in contempt for. I've

0873RHE5

Lask - Cross

1 been very I would say generous given how much people repeat  
2 doing what I tell them not to do, including witnesses and  
3 lawyers.

4 So we're just going to keep moving along here.

5 MS. LASK: At some point I need to say it, but I'd  
6 love to see the list of what I -- because I have been following  
7 every --

8 THE COURT: Ms. Lask, I know you love to talk.

9 MS. LASK: Yes.

10 THE COURT: A lawyer often does. But you've spent a  
11 lot of time talking on the stand repeating the same speeches  
12 over and over --

13 MS. LASK: It's hard.

14 THE COURT: -- when it's not necessary. I'm just  
15 saying we're going forward.

16 MR. FERRANTE: So I'm not understanding. Are we going  
17 back to cross with this?

18 THE COURT: With this one document.

19 MR. FERRANTE: Oh, okay.

20 May we use the restroom?

21 THE COURT: Go ahead.

22 MR. FERRANTE: Thank you, your Honor.

23 (Recess taken.)

24 THE COURT: Let's go on the record.

25 MR. DOLLINGER: Just on the list of the exhibits that

0873RHE5

Lask - Cross

1 have been introduced --

2 MS. LASK: I didn't even hear.

3 THE COURT: He just started speaking. He's just  
4 asking about exhibits.

5 Go ahead.

6 MR. DOLLINGER: What I wanted to do is figure out  
7 which one -- if there's any objection, in advance of what we  
8 have or don't have, because I think there are a couple, you  
9 know, add water so to speak, so could we somehow before the  
10 closing is done maybe, you know, marshal them and perhaps, you  
11 know, make sure --

12 THE COURT: Well, I think counsel should do that at  
13 the end of today. Confer about what the exhibits are and, if  
14 any housekeeping needs to be done, we'll discuss that first  
15 thing in the morning.

16 MR. DOLLINGER: I just wanted to --

17 THE COURT: Because I had a little bit of that, too.

18 MR. DOLLINGER: Thank you, Judge.

19 (Recess taken.)

20 THE DEPUTY CLERK: Court officer, we're ready for the  
21 jurors.

22 Thank you.

23 (Continued on next page)

0873RHE5

Lask - Cross

1 (In open court; jury present)

2 THE DEPUTY CLERK: All rise. Jury entering the  
3 courtroom.

4 THE COURT: All right. Welcome back.

5 So there was one matter that came up before the end of  
6 that cross-examination and we've resolved it, so the plaintiffs  
7 are going to continue with cross-examination on one document.8 MS. LASK: I just realized something. Could we have a  
9 quick sidebar on this?

10 THE COURT: No. Come up to the stand, please.

11 MS. LASK: Okay.

12 THE COURT: We've had plenty of opportunity.

13 MS. LASK: Well --

14 Q. Ms. Lask, I ask you to take a look at the document that's  
15 been put on, the motion in limine, and tell me if you recognize  
16 that document.

17 A. It's a cover page.

18 Q. Of what?

19 A. Of an appellate court brief.

20 Q. Written by whom?

21 A. It has my name. It's a cover page that I produced.

22 Q. And it's the cover page of a brief for defendant appellant  
23 Lask, correct?

24 A. Yes. It's a cover page of a brief.

25 Q. A record?

0873RHE5

Lask - Cross

1 A. Correct.

2 Q. Matter 201577-CV, and that was an appeal, correct?

3 A. Correct. I just said it's a cover page of an appellate  
4 brief.

5 Q. So this is part of Defendant's Exhibit Four, and it  
6 contains just two pages of the brief you wrote. And I'm going  
7 to show you --

8 THE COURT: You said Defendant's Exhibit Four.

9 Q. I'm sorry. Plaintiff's Exhibit Four. Yes. I'm sorry.

10 And this is page 19 from your brief that you wrote.  
11 I'll show you the top just to show you that it's the same  
12 document.

13 A. Yes. I understand that.

14 Q. Okay.

15 THE COURT: Can we just establish very briefly just  
16 the context? This was a --

17 MR. LONERGAN: Yes.

18 THE COURT: This was an appeal of what?

19 MR. LONERGAN: This was an appeal -- well, I'm going  
20 to ask the witness.

21 THE COURT: Okay. Go ahead.

22 Q. This was an appeal of what?

23 A. This was an appeal of something that happened in this case.  
24 It's regarding this case.

25 Q. Okay. Of what decision?

0873RHE5

Lask - Cross

1 A. The summary judgment decision.

2 Q. Okay.

3 MR. DOLLINGER: That's a federal action, Judge.

4 THE COURT: I just wanted the jury to understand what  
5 they're seeing. It's connected with this action. Litigation  
6 has a long history, that's all.

7 Q. Okay. And was there an issue about the research that you  
8 performed for Maggie Karn? Did that arise in that litigation?

9 A. You mean this appeal?

10 Q. Yes. The appeal --

11 A. This brief is addressing the research that I did.

12 Q. Okay. And then you say, and I'm going to draw your  
13 attention to what's subsection six, last bill filed by Karn  
14 proved last researching federal issues since June 2012 and into  
15 December 2012 long before the first federal action was filed.

16 Do you see that?

17 A. Yes.

18 Q. Okay. And then it goes down to say, the bill is replete  
19 with no cases relating to research performed in 2012 for many  
20 months before the first federal action was filed, to-wit. And  
21 then it lists up one, two, three, four, five, six, seven, eight  
22 entries from your bill.

23 Do you see that?

24 A. Yes, I do.

25 Q. Okay. And then after that you go down to give some sort of

0873RHE5

Lask - Cross

1 an idea of what the entries mean, a legend of sorts.

2 So, first of all, is this a true statement? This is  
3 what you -- these bills, those entries reflect research that  
4 you did on the first federal complaint?

5 A. No.

6 Q. Okay. Why did you not make that distinction here?

7 A. Because, as I said, the cases are inextricably intertwined.  
8 Meaning I'm working on a state custody case, doing research on  
9 civil rights that I'm arguing before State Referee Burnett in  
10 the custody case, so all that research -- of course I was  
11 researching civil rights from the start and continuing to  
12 research.

13 Q. And how do you apportion that research among those cases?

14 A. I thought this was asked.

15 THE COURT: Yes. Can you clarify?

16 A. I thought we were limited to --

17 THE COURT: Just clarify if you were asking something  
18 specific to this document.

19 Q. I'm asking about these eight entries right there that are  
20 on this document. Okay?

21 Did those eight entries have to do with the first  
22 federal complaint?

23 A. They have to do with the state case and for the federal  
24 complaint.

25 Q. Okay. You don't mention that, though, in this brief, that

0873RHE5

Lask - Cross

1 it was among various actions, do you?

2 A. You're only showing me one page of a brief. That's page

3 19. If you're -- you're taking it out of context. If you read  
4 the whole brief, which we're limited to that, the brief was  
5 making certain arguments.

6 Q. Okay. So here's the next page, okay, that continues --

7 actually, let's look at the bottom of this page, because I just  
8 want to know where you mention that any of this research had  
9 anything to do with anything besides the federal complaint.

10 Okay?

11 A. Again, I told you it was a 45-page --

12 Q. So you say --

13 A. I'm answering your question. It was a 45-page brief or so.  
14 You're showing me this section. I can tell you about this  
15 section, which this section is from the exact bills that we  
16 already discussed, each and every one of these.

17 Q. Right, and you attribute these to the first federal action,  
18 right? You say, research performed in 2012 for many months  
19 before the first federal action was filed, to-wit, and you  
20 offer these eight entries?

21 A. To-wit, the sentence is arguing that research was performed  
22 long before the first federal action was filed. Meaning, I  
23 said it numerous times, the state case, civil rights cases,  
24 *Troxel*, all that started from the beginning.

25 The argument is that one of the things that this brief

0873RHE5

Lask - Cross

1 was arguing, that the judge said, the Court -- I mean, you're  
2 pulling out an appellate brief, and the argument was, Judge  
3 said you never researched before October 24, and here it's  
4 July 13 I was researching.

5 There's more to this -- that was -- this argument is  
6 not just to the federal. If I'm researching for the state  
7 case, the same federal arguments that I'm going to end up using  
8 for a federal case, I'm doing research. Nobody could say, you  
9 failed to research before February 21 -- I'm sorry. I  
10 apologize for that. You failed to research before December 21  
11 when all the bills showed I was researching.

12 And Ms. Karn just testified yesterday she was  
13 researching from the start. She was talking about civil rights  
14 in the state case.

15 Q. This refers to the first federal action, yes?

16 A. No, it does not.

17 Q. Okay. The bill is replete with notations relating to  
18 research performed in 2012 for many months before the first  
19 federal action was filed.

20 A. The sentence is "research performed," and the context is, I  
21 was performing research long before the first federal action  
22 was filed. So it's on the bottom -- the same is true for  
23 keeping Karn advised of the ongoing research and strategy in  
24 the 12 months before the first federal action was filed on  
25 December 22, 2012.

0873RHE5

Lask - Cross

1 Q. Why did you not mention any of the state court matters?

2 A. Because you pulled one page out of a 45-page brief, so if  
3 we're going to take things out of context, it's not going to  
4 work.

5 THE COURT: Well, hold on. The Court ruled that only  
6 certain pages could be used, so we don't get confused by other  
7 things that are there. So it's not counsel who is just  
8 exerting the page or two.

9 Ms. Lask has testified that she was trying to show  
10 that she had done research about federal issues in civil rights  
11 prior to the filing of the first federal complaint.

12 THE WITNESS: Correct.

13 Q. Bottom of 19 --

14 THE COURT: Counsel.

15 Q. Question -- the bottom of 19, the bill at 3/17 -- 3/18  
16 shows Lask conferencing with Karn regarding the first federal  
17 action.

18 A. Could you bring that down a little bit so I can see?

19 Q. Sorry.

20 Before the first federal action, before it was filed,  
21 again, to-wit --

22 A. Same.

23 Q. And you have two entries there, and you say, again, it is  
24 not hard to interpret that difference. T-C means telephone  
25 conference with client.

0873RHE5

Lask - Cross

1                   Question, you don't mention anything besides the first  
2 federal action in that clause either, do you?

3 A. Can you show me the sentence on page 19 that you started  
4 with? The bill that shows conferencing with Karn -- can you go  
5 to the next page, please?

6                   Right. So it's the same answer. I'm talking to her  
7 about federal cases and research of civil rights cases, and the  
8 same civil rights cases that I argued before Referee Burnett in  
9 the family court case, that -- those same cases I've testified  
10 30 times and shown you is -- may I finish, please?

11                  Those same cases translated to the federal case that  
12 was ultimately filed and immediately withdrawn because it  
13 wasn't ready.

14                  (Continued on next page)

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0873RHE7

Lask - Cross

1 Q. But that's not what you say. You said bill at 8/13 shows  
2 Lask, you conferencing with Karn regarding the first federal  
3 action. It doesn't say regarding anything else. It says  
4 regarding the first federal action?

5 THE COURT: At this point the document speaks for  
6 itself. I think you've made your point.

7 MR. LONERGAN: Thank you, Judge.

8 Q. All right. And again, I note that on the second page,  
9 page 20, I picked just the sentence here that is Karn's own  
10 admission in the record.

11 A. Where are you?

12 Q. I'm in the middle of the page.

13 THE WITNESS: Your Honor, objection. I have to say it  
14 because Mr. Ferrante wasn't here for this. You limited it  
15 to --

16 THE COURT: Hold on. I just want to be oriented to  
17 where counsel is addressing.

18 MR. LONERGAN: Section 7, Judge.

19 THE COURT: With the sentence starting with "however"?

20 MR. LONERGAN: The sentence beginning that is Karn's  
21 admission in the record that research was in fact conducted in  
22 2012 long before filing the first federal action on  
23 December 21, 2012.

24 A. Yes, she admitted I was researching doing my job, that I  
25 was conducting research because that's what lawyers do, that's

0873RHE7

1 what I do. I'm researching.

2 Q. No mention of Article 78, no mention of complaints, no  
3 mention of petitions, all you are talking about --

4 THE COURT: Counsel, enough. That was not the issue  
5 that was being addressed. So we don't need to go there.

6 Q. This was from a finding --

7 THE WITNESS: No, your Honor.

8 THE COURT: Hold on. What was the question?

9 THE WITNESS: Objected to.

10 Q. This --

11 THE WITNESS: He's not allowed to talk about this.

12 THE COURT: What was the question?

13 Q. This court of appeals resulted from a finding that there  
14 was --

15 MR. FERRANTE: Objection.

16 THE COURT: Hold on. This is a filing in?

17 MR. LONERGAN: Finding.

18 THE COURT: We're talking about a filing that was  
19 submitted in the Second Circuit. We're not talking about what  
20 any finding was made by a court.

21 MR. LONERGAN: I have no further questions, Judge.

22 THE COURT: I have a couple questions and then if  
23 there is redirect. I am going to ask counsel, maybe,  
24 Mr. Ferrante, you can do so, to bring up on the screen, I am  
25 going to talk about Plaintiff's Exhibit 4 which are the billing

0873RHE7

1 records, and Exhibit 6, which Ms. Lask refers to as her  
2 underlying notes.

3 MR. FERRANTE: What would you like, your Honor?

4 THE COURT: Let's start with, I want to see Exhibit 4  
5 which is the bill.

6 MR. FERRANTE: 4 and 5 are the bills.

7 THE COURT: I want to see the date from November 6.

8 MR. FERRANTE: November 6.

9 THE COURT: Whichever one has that.

10 So, everybody see that? Yes. We are looking at the  
11 billing records, Ms. Lask, the entry at 11/6, November 6 reads  
12 draft fed cmpl -- that's for complaint, right?

13 THE WITNESS: It means complaint, correct.

14 THE COURT: Then comma research/review cases and there  
15 are six hours, right?

16 THE WITNESS: Correct.

17 THE COURT: And now go to Exhibit 6 and let's see  
18 November 6. So the November 6 entry at the top you are asked  
19 about whether there was anything related to the federal  
20 complaint in there, and my notes indicate that there was  
21 nothing directly attributed to the federal complaint.

22 And my question is, why then is there reference to the  
23 federal complaint in the billing records on November 6?

24 THE WITNESS: You mean where it says the top draft fed  
25 complaint with Article 78 simultaneously?

0873RHE7

1                   THE COURT: Right. And you testified there was  
2 nothing directly attributed to the federal complaint. And I  
3 just want to understand then why the notes say in the billing  
4 that that's what was there and there is no reference to  
5 anything else except the federal complaint.

6                   THE WITNESS: Oh. Because sometimes I didn't input  
7 everything in but -- I was drafting the federal complaint with  
8 the Article 78 simultaneously, so I'm charging her for the  
9 Article 78. What little is left with the federal complaint  
10 after I am doing the Article 78.

11                  THE COURT: Okay. And then on November 7, in your  
12 notes, it says .4 and then 2.6 hours, and the .4 is attributed  
13 to some work for the federal complaint; is that right?

14                  THE WITNESS: Continue federal complaint research cut  
15 and paste.

16                  THE COURT: Then the .4, right?

17                  THE WITNESS: Correct.

18                  THE COURT: Then you have the 2.6 hours for the  
19 Article 78 work. Is that right?

20                  THE WITNESS: Yes.

21                  THE COURT: So, now go if you can, counsel, please put  
22 back the billing records that show November 7. November 7 says  
23 continued federal complaint research. Is that what that refers  
24 to?

25                  THE WITNESS: May I see side by side, please?

0873RHE7

1                   THE COURT: I am asking you right now, that says  
2 continued federal complaint research. Is that what those  
3 abbreviations stand for?

4                   THE WITNESS: Oh, continue -- it is supposed to say  
5 continue federal complaint, research.

6                   THE COURT: It doesn't right now, right? It just says  
7 continue federal complaint research. Is that right?

8                   THE WITNESS: Correct, it says that. The comma was  
9 left out.

10                  THE COURT: It says three hours. And if you can go to  
11 the underlying notes, please, Exhibit 6. Show us.

12                  And so, here you again said that 2.6 hours was for  
13 research devoted to the state matters and .4 for the federal.  
14 And my question is why doesn't the November 7 billing entry  
15 refer separately to federal complaint, because this does say  
16 federal complaint research, and then research for Article 78.  
17 Why is there no mention of the state court proceedings in the  
18 November 7 billing entry?

19                  THE WITNESS: You mean the Article 78?

20                  THE COURT: Yes. In your underlying entries there is  
21 2.6 hours for the Article 78 research. That's 2.6 of the three  
22 hours charged in your billing records. .4 in your underlying  
23 notes says federal complaint research cut and paste. You've  
24 said that was for cutting and pasting, maybe cutting and  
25 pasting research, I don't know.

0873RHE7

1                   My question simply is why does the November 7 entry in  
2 your billing to Ms. Karn only mention federal?

3                   THE WITNESS: What was the total amount in the  
4 November 7 billing?

5                   THE COURT: 3 hours, 2.6 of which was devoted to the  
6 Article 78.

7                   THE WITNESS: Okay. So right, not all the time was  
8 I -- so why doesn't it say anything about --

9                   THE COURT: You said there is a comma missing I think  
10 I heard you say.

11                  THE WITNESS: There was a comma missing from the  
12 research.

13                  THE COURT: That's your explanation.

14                  THE WITNESS: Yes.

15                  THE COURT: Okay.

16                  THE WITNESS: And sometimes, you know, typo.

17                  THE COURT: And then one more. October 31. Let's  
18 look at October 31 on Exhibit 4. Actually go to Exhibit 6 if  
19 you can, I'm sorry, start with Exhibit 6 this time, the notes.  
20 I'm sorry.

21                  MR. FERRANTE: What date, your Honor?

22                  THE COURT: October 31.

23                  And there you have, am I correct that you have 4 hours  
24 attributed to the draft Article 78, and related items, and then  
25 .3 for the draft federal complaint. Do I have that right?

0873RHE7

1 THE WITNESS: Correct.

2 THE COURT: So now put up the billing records for  
3 October 31 to what was charged -- I'm sorry -- in the invoice.  
4 The entry there is continued draft federal complaint, 5 hours.  
5 Again, why is there no mention of anything other than drafting  
6 the federal complaint?

7 THE WITNESS: It might have been a misprint, and I  
8 omitted it.

9 THE COURT: Okay. All right.

10 Since you are up there, Mr. Ferrante, was there  
11 anything you wanted to follow up on my questions?

12 MR. FERRANTE: I don't think so, your Honor.

13 THE COURT: Okay. Was there anything you wanted to  
14 follow up on my questions?

15 MR. LONERGAN: No, your Honor. Thank you.

16 THE COURT: Ms. Lask, you may step down.

17 I'm sorry. We have our redirect, of course, my  
18 apologies. How long do you think you have?

19 MR. FERRANTE: I didn't want to redirect you, your  
20 Honor. That's too much for me.

21 THE COURT: About how much do you think you have  
22 time-wise?

23 MR. FERRANTE: Maybe 60 seconds.

24 THE COURT: Go for it. Everyone should know when a  
25 lawyer says 60 seconds, it may not mean 60 seconds.

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Lask - Redirect

1 REDIRECT EXAMINATION

2 BY MR. FERRANTE:

3 Q. Ms. Lask, you were just cross-examined for a couple of  
4 hours, and most of the questions were about abbreviations  
5 hieroglyphics, that sort of thing. Do you remember that whole  
6 range of questions?

7 A. I sure do.

8 Q. I am going to show you for what's been marked as Defense  
9 Exhibit 17.

10 A. Okay.

11 Q. Can you tell me who's writing that and who is receiving it?

12 A. I'm reading from the top is an August 26, 2013, e-mail from  
13 Ms. Karn to me. And she's talking about I'm so -- that's an  
14 e-mail from Ms. Karn to me. From August.15 Q. And again, you remember during the questioning, how many  
16 times you heard the words RR, RR. How is Ms. Karn supposed to  
17 understand what RR is. You heard that over and over again,  
18 right?

19 A. Yes, I did.

20 Q. I know I did. And she's writing this, right?

21 A. Yes.

22 Q. And how many times do you see RR, referee ref. She's using  
23 your very same shorthand from the billing; isn't that correct?24 A. Yes, it's directly from the -- I'm so tired. I apologize.  
25 From the document that I -- yes, she's using the same.

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Lask - Redirect

1 Q. It's here each time and she knows exactly what RR is. And  
2 to have the defense attorney crossing you on how confusing and  
3 how you can possibly make her decipher hieroglyphics. She's  
4 writing this to you, correct?

5 A. Correct.

6 MR. FERRANTE: I have nothing further. There is one  
7 more.

8 THE COURT: Way past 60 seconds.

9 Q. Do you remember during the course of your examination you  
10 were being questioned about filing a second federal action?

11 A. Yes.

12 Q. And I don't want to use the word "insinuations." There was  
13 just this, you filed a federal action, right, and 50,000 and  
14 60,000, and the lawyer was up here saying all of that, yeah?

15 A. Correct.

16 THE COURT: He didn't actually say those numbers.

17 Q. Tens of thousands I think it was.

18 A. Yes, exactly.

19 Q. This is Defense Exhibit 14. Can you look on top to see who  
20 is writing that e-mail?

21 A. That is an e-mail from Ms. Karn to me after I withdrew,  
22 voluntarily withdrew the first action that she had filed.

23 Q. And just read that out for us.

24 A. She's saying don't they know we are going to bring back the  
25 federal but -- and she's writing hieroglyphics, BC means

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Lask - Redirect

1 because -- of the appeal we withdrew. Also next time we should  
2 include Ken on it and Cheryl.

3 Q. And Ken and Cheryl are who?

4 A. Ken is the husband. Cheryl was the husband's lawyer.

5 Q. Did this give you the impression that she was confused  
6 about the work you were doing for her?

7 A. No, not at all. She knew exactly and she was telling me to  
8 refile the federal.

9 Q. You remember her saying she didn't know you withdrew it,  
10 she didn't find out until much later, correct? She was in the  
11 dark about that?

12 A. Yes.

13 Q. This is clearly showing that's not the case, right?

14 A. It is one e-mail. We had many phone conversations about  
15 this e-mail.

16 Q. In fact, she's suggesting adding more defendants to it,  
17 right? Like her husband and whoever Cheryl is, right?

18 A. Correct.

19 Q. That's in March of 2013?

20 A. Yes.

21 Q. By this time she will have received most of the bills we've  
22 been discussing from the previous time frame?

23 A. Correct.

24 Q. She's not saying can I come to your office and let's go  
25 through the hieroglyphics, I'm really confused? She's not

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Lask - Recross

1 saying that?

2 MR. LONERGAN: Objection.

3 THE COURT: Sustained.

4 MR. FERRANTE: Nothing further, your Honor. Thank  
5 you.

6 MR. LONERGAN: Quickly?

7 THE COURT: Quick recross.

## 8 RECROSS EXAMINATION

9 BY MR. LONERGAN:

10 Q. Take a look at 1457 if we could. Okay. Second line R/R  
11 for 518. R/R. That's not R capital R, is it?

12 A. The R.R., if you show the other, the rest of the bills R.R.  
13 is all over in the other bills. R.R. meant Rosemary Riveccio.  
14 She is using them as well.

15 Q. How about TC and CS, and TT and C and CS and --

16 MR. FERRANTE: Your Honor, beyond the scope. I asked  
17 about R.R. Nothing more. He's had opportunity to talk about  
18 TC.

19 THE COURT: Overruled. It is not beyond the scope.  
20 But the point is obvious. There are terms in here that weren't  
21 used in Ms. Karn's e-mail. Some were, some weren't.

22 THE WITNESS: Well --

23 MR. LONERGAN: I have nothing further.

24 THE WITNESS: Thank you.

25 THE COURT: Thank you, Ms. Lask.

0873RHE7

1 (Witness excused)

2 THE COURT: Does the defense rest?

3 MR. FERRANTE: Yes, your Honor.

4 THE COURT: So, jury, we are going to end for the day,  
5 obviously. I'll have you back in the morning, I will give you  
6 your instructions and you will be sent to deliberate. Okay?  
7 Again, I remind you, please no discussing with anyone or  
8 amongst yourselves about the case.

9 (Jury excused)

10 THE COURT: Is there anything we need to discuss?

11 Plaintiff?

12 MR. DOLLINGER: No, your Honor.

13 THE COURT: Defense?

14 MR. FERRANTE: Your Honor, you mentioned something  
15 about exhibits.16 THE COURT: Yes. So, there have been some exhibits  
17 that have come in and I've named, you may have named. I had  
18 Defendant's 21 is that highlighted version of the second  
19 federal complaint. There was just a reference to PX 4 which is  
20 the Second Circuit excerpt. And I wanted counsel to meet and  
21 confer with each other and just make sure you are all on the  
22 same page about what the exhibits are, and if they're not  
23 labeled, to label them so that we can send them back with the  
24 jury if they want them. Okay?

25 Was that it?

0873RHE7

1                   MR. FERRANTE: What I would say is we did file our  
2 exhibits and we followed the list has been the same from 1  
3 through 20. I was calling things 19.

4                   THE COURT: That's fine.

5                   MR. FERRANTE: I was going to suggest that the  
6 plaintiffs just download it off the ECF and print it.

7                   THE COURT: I don't think that's the question. I  
8 think the point is there are some exhibits --

9                   MR. FERRANTE: Some of the ones, no, I'm not talking  
10 about that. I think they were talking about some of the ones  
11 that were actually provided that they didn't have copies of.

12                  THE COURT: Mr. Dollinger?

13                  MR. DOLLINGER: I think what we want to do is be sure  
14 that everything that was provided by the defendants and  
15 everything we provided, whatever is in is in. Okay. I just  
16 want to be certain it's not an extra one here and extra one  
17 here, because I'm not certain they've used every one because  
18 the number it is. That's all.

19                  THE COURT: So you'll meet and confer and you'll  
20 provide, I would like an actual list of them tomorrow so we're  
21 all on the same page.

22                  MS. LASK: Your Honor, they can send an e-mail, we can  
23 check, we can send an e-mail and --

24                  THE COURT: It might make sense to talk right now  
25 while some of the exhibits are here. That's all I had in mind.

0873RHE7

1 MS. LASK: It might be an idea but, yes.

2 MR. FERRANTE: There's only four of them.

3 MS. LASK: And then, your Honor, again, I want to be  
4 very clear in closing that they don't come up with these  
5 insinuations about my education, these insinuations.

6 THE COURT: No reference to education whatsoever.

7 MS. LASK: These insinuations. In your order of  
8 August 9, 2023, I'm sorry. Regarding Exhibit 6. Constantly,  
9 you know, these insinuations of a fraudulent Exhibit 6. You  
10 have already determined and ruled after you gave us all the  
11 time and for them to even depose me that Exhibit 6 is an  
12 exhibit and it's in.

13 THE COURT: What I ruled was that I'm not going to  
14 question whether it was produced or not, given the history that  
15 occurred. I gave plaintiffs an opportunity to depose you if  
16 they wanted about those records. They are entitled to question  
17 the reliability of those records and the timing of when they  
18 were made, if they have a basis to do so. But we're not  
19 revisiting it in the discovery context.

20 MR. FERRANTE: If I may ask then, because I heard a  
21 lot that sounded more like a white collar fraud case than a  
22 damages case about it's real easy for you, you could have done  
23 this 5 years ago. That seems like a direction they are going  
24 in and that's fine. But if that's the case, then I want to be  
25 able to immediately counter that in my closing and say,

0873RHE7

1 everything you just heard, they were given an opportunity to  
2 visit the attorney's office and come in and copy files  
3 directly. They could have checked metadata, they could have  
4 done anything they wanted.

5 MR. DOLLINGER: We found out they weren't there and  
6 there hadn't been an opportunity.

7 THE COURT: Counsel, both of you. We are not going to  
8 go that route.

9 You can certainly refer to the fact that these are  
10 notes she claims that she has for herself she says she  
11 routinely keeps as she does for all her clients. You can get  
12 to the point that it was something that never was provided to  
13 the plaintiff. And that you can certainly say, make a point if  
14 you want, that it's convenient for her to have that, whatever.  
15 But, hold on. But we're not going to get into whether it's  
16 fraudulent or not.

17 MS. LASK: Your Honor, when you say, if they're going  
18 to do a closing and say this wasn't produced to us.

19 THE COURT: No, they can't say that.

20 MS. LASK: I thought I heard you say --

21 THE COURT: No. Just the opposite. Because --

22 MR. DOLLINGER: Plaintiff testified --

23 THE COURT: No.

24 MR. FERRANTE: We heard the other way around.

25 THE COURT: Just to be clear. We have gone through

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1 this previously. We are not getting into anything about the  
2 production of that document in this case. That is dead and  
3 buried and I didn't hear Mr. Dollinger say he was necessarily  
4 going to do that, but just to be clear, that's out.

5 MR. DOLLINGER: Judge, not in discovery. But whether  
6 or not the defendant provided it to the plaintiff at what point  
7 in time. And in fact, if you listen to her own testimony, she  
8 says, oh, I never provide it. It's my own calendar.

9 THE COURT: Hold on. No. No. No. It came up  
10 on the eve of trial as an exhibit, we went through the history  
11 of how that could have happened, etc. It is fine to say that  
12 Ms. Karn first became aware of it herself through you at a  
13 later point in time that's fine.

14 MR. DOLLINGER: And she's claiming she didn't receive  
15 them, and she received them through us.

16 THE COURT: That's fine. But the defendant's not  
17 claiming she sent them directly to her.

18 MR. DOLLINGER: She did.

19 THE COURT: No, she did not testify to that. She did  
20 not testify she provided the so-called underlying notes.

21 MR. DOLLINGER: I want to apologize. She is  
22 absolutely right. I was thinking of another document. You're  
23 right.

24 MS. LASK: But, okay. So, anyhow, you are saying it's  
25 fine to say Karn became aware of it at some time through her

0873RHE7

1 attorneys, which I just still find kind of --

2 THE COURT: That's fine. No, that's fair game. The  
3 jury can be told, and you can use it however you want that  
4 those were, that was a document, those were notes that were not  
5 provided to Ms. Karn. There was no obligation to do so.

6 MS. LASK: Exactly. Thank you.

7 THE COURT: Just in terms of her knowledge of it, she  
8 only got that recently. It's not something she was aware of in  
9 the regular course.

10 MS. LASK: Something she testified she just saw it  
11 three months, when we all know it was July of 2023.

12 THE COURT: Whenever it was. I'm not going to worry  
13 about that. We're done. Thank you.

14 MR. FERRANTE: Just for scheduling, what are we  
15 looking at tomorrow? Are we walking in the door and starting a  
16 closing argument?

17 THE COURT: We'll do our housekeeping on the exhibits  
18 and I will give instructions and then I'll do your closing.  
19 And actually, we should discuss length of closings. Tell me  
20 what the plaintiff is anticipating.

21 MR. LONERGAN: 15 minutes.

22 THE COURT: What is the defense anticipating?

23 MS. LASK: A half hour at the most.

24 THE COURT: At most. Not more than that. Half hour  
25 at most per side. And we will take it from there.

(Adjourned until August 8, 2024, at 9:15 a.m.)

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## 1 INDEX OF EXAMINATION

2	Examination of:	Page
3	MARGARET RHEE-KARN	
4	Cross By Ms. Lask . . . . .	117
5	Redirect By Mr. Dollinger . . . . .	148
6	Recross By Ms. Lask . . . . .	164
7	SUSAN CHANA LASK	
8	Direct By Mr. Ferrante . . . . .	171
9	Cross By Mr. Lonergan . . . . .	252
10	Redirect By Mr. Ferrante . . . . .	336
11	Recross By Mr. Lonergan . . . . .	339